

## ParaReg Headnotes

### 000-199 CalWORKs

## CalWORKs

- 001-1 All the regulations cited refer to the Manual of Policies and Procedures (MPP), unless otherwise noted
- 001-1A W&IC is the abbreviation for the Welfare & Institutions Code
- 001-1B Reference to AFDC is reference to CalWORKs program (W&IC 10063(b))
- 001-1C Authority to issue ACLs and other directives to implement AB No. 1542 (AB 1542 §185)
- 001-1D Chapter 2 (11 200-11526) of W&IC contains CalWORKs Program, which is acceptable cite for formal name of program (W&IC 11200)
- 001-2 Aid pending to be paid if hearing is requested prior to effective date of action (22-072.5)
- 001-3 Issues at hearing limited to those reasonably related to request, or those which county and claimant agree to discuss (22-049.5)
- 001-5 Hearing decisions must be issued in 90 days unless claimant executes waiver (22-060.1)
- 001-6 Official Notice (22-050.41-.44)
- 001-7 State hearing decision only applicable to circumstances and issues existing at the time of the county action in dispute or otherwise agreed to by the parties (22-062.4)
- 001-8 Department receives proposed decision when certified for review (22-061)
- 001-9 Authority of Director on receipt of proposed decision (22-062.1)
- 001-10 Decision deemed adopted if Director does not act in 30 days (22-062.2)
- 001-11 State hearing decision can only be appealed through rehearing or judicial review (W&IC 10960 and 10962)
- 001-11A Thirty days to request rehearing (22-065.1)
- 001-12 No further administrative appeal after rehearing (22-065.6)
- 001-13 Before rehearing is granted, it may be withdrawn; but once granted, requesting party can only withdraw with permission of the Chief Judge, or a judge at hearing (22-065.8, .9)
- 001-14 Parties must be prepared on substantive issues unless hearing is limited to jurisdictional issue (22-049.53)
- 002-1 Statutory authority for postponements due to inadequate notice (W&IC 10967)
- 002-2 Regulatory provisions when adequate notice raised at hearing (22-049.52, 22-072.1)
- 003-1 Definition of "public social services" (W&IC 10051)
- 003-5 Hearing request shall be dismissed if sole issue is not within jurisdiction of state hearing (22-054.31)
- 003-7 "Aid" includes all PA programs subject to a state hearing (22-001a.(3)(A))
- 003-7A Aid is cash benefits and Medi-Cal (40-103.3)
- 003-8 PA does not include FS, Child Welfare Services, or AAC (W&IC 10061)
- 003-9 "County action" requires adequate notice, and includes any action or inaction relating to application or receipt of aid (22-001c.(5))
- 003-10 Jurisdiction of state hearings (22-003.1)
- 003-11 Definition of "claimant"; TCC program repealed 1/1/98 (22-001c.(2); AB 1542; ACL 97-73)
- 003-11B No right to hearing concerning placement or removal of foster child (22-001c.(2)(B)(1))
- 003-12 Dismissal when "claimant" lacks standing (22-054.35)
- 003-13 Dismissal when no valid AR (22-054.36)
- 003-13A Requirements for establishing valid authorized representative including for incompetent claimant (22-085.1, .11, .12, .22, .221, .23)

## ParaReg Headnotes

### 000-199 CalWORKs

- 003-13B County must send correspondence to claimant and authorized representative in state hearing process (22-085.4)
- 003-14 Representative of estate or heir may file hearing request on behalf of deceased applicant (W&IC 10965)
- 003-15 Representative of estate or heir may represent claimant who filed request and then died (22-004.4 and .5)
- 003-16 Discourteous treatment by county employees is not a state hearing issue (22-003.15)
- 004-1 Statute of limitations, general (22-009.1)
- 004-1A Period of review extends back to first day of month of 90-day review period (22-009.12)
- 004-1B Knew or should have known test does not start running of the statute of limitations (*Morales v. McMahon*)
- 004-1C NOA required when domestic violence waiver is granted or denied; no time limit to request domestic abuse waiver (ACIN I-02-06)
- 004-2 General definition of "adequate notice"; when required (22-071.1, 22-001a.)
- 004-2A Requirements for notice to be adequate (ACIN I-151-82)
- 004-2B Verbal explanation is not a substitute for adequate written notice (ACIN I-151-82)
- 004-3 Adequate notice must be furnished when the county takes action pursuant to a conditional withdrawal (22-071.14)
- 004-4 Actions on which timely and adequate notice required. Notice must be issued 10 days in advance of proposed action (22-072.1)
- 004-4A Two NOAs required if applicant fails to cooperate in providing information, complying with SFIS (ACL 00-32)
- 004-5 Method for determining filing date (22-001f.(1))
- 004-6 Extension of filing period when last day falls on Sunday or holiday (22-002.1, 22-001h.(1); Gov. Code 6700-6716)
- 004-7 Holidays include days which government offices are closed (CCP 12b)
- 004-8 Form of hearing request (22-004.2)
- 004-9 Conditional withdrawal procedure (22-054.211(b)(3))
- 004-10 Request for hearing is dismissed if beyond time limit (22-054.32)
- 004-11 Time limits for Director's action on rehearing request (22-065.3)
- 004-12 "Timely notice" is written notice mailed ten days prior to effective date of action (22-001t.(1), 22-072.4)
- 004-12A Timely notice not required for removal of CalWORKs child into foster care (22-072.2(f))
- 004-13 Required language for overpayment and overissuance notices (*Anderson v. McMahon*; ACL 90-14)
- 005-2 Dismissal when issue has been subject of previous hearing (22-054.34)
- 006-1 "Compliance related issue" is one resolved in favor of claimant but county must make further determination (22-001c.(3))
- 006-2 Compliance issue timeliness (22-078.5, 22-078.31)
- 006-3 County has duty to comply with state hearing decision immediately upon receipt of such decision even if rehearing is requested (22-078.1)
- 006-4 Dismissal, "compliance" issue (22-054.37, 22-001c.(3))
- 007-1 Hearing is to be dismissed if it is abandoned (22-054.22)
- 007-2 Good cause for postponements (22-053.16)
- 008-1 Hearing is to be dismissed if withdrawn; withdrawal must be in writing (22-054.21)
- 008-2 Hearing request shall be dismissed if the claimant or AR is unwilling to present case (22-054.33)
- 008-3 County's authority to modify grant while claimant receiving aid pending (22-072.9)

## ParaReg Headnotes

### 000-199 CalWORKs

- 009-1 Equitable estoppel (*Canfield v. Prod, City of Long Beach v. Mansell*)
- 009-1A Analysis of equitable estoppel as to each of five sequential requirements; explanation of county's "knew or should have known" test as to element one; example of balancing individual and governmental interests (*Canfield v. Prod*)
- 009-2 Equitable estoppel can be applied in state hearings (*Lentz v. McMahon*)
- 009-3 Court says in dicta that equitable estoppel cannot contravene statutory or constitutional limitations (*Longshore v. County of Ventura*)
- 009-4 That which ought to have been done is to be regarded as done, in favor of him to whom, and against him from whom performance is due (Civil Code 3529)
- 009-5 Lost FS benefits a measure of injury for equitable purposes which may reduce the CalWORKs overpayment (ACIN I-60-96)
- 009-6 CDSS agrees to rescind parts of Notes from the Training Bureau dealing with authority of ALJs to write final decisions when they adhere to policy regarding hardship set forth in Notes (*Rush v. Saenz*)
- 009-7 Factors to consider in equitable estoppel balancing (*City of Imperial Beach v. Algert; Lee v. Bd. of Administration*)
- 009-8 Analysis by courts of application of equitable estoppel against public agencies (*Crumpler v. Bd. of Administration Emp. Retire. Sys.; City of Long Beach v. Mansell*)
- 009-9 Discussion of doctrine of laches (*Lam v. Bureau of Security and Investigation Services*)
- 009-10 Estoppel cannot expand a public agency's powers (*Fleice v. Chualar Union Elementary*)
  
- 010-1 Joint responsibility for gathering evidence; county duty to help (40-157.21)
- 010-2 Duty to complete investigation when evidence is conflicting (40-157.14)
- 010-3 Recipient's sworn statement sufficient (40-115.22)
- 010-4 County is to refer applicants and recipients for UIB; county to deny or discontinue if there is failure to apply for or accept UIB or if there is failure to meet eligibility conditions without good cause (82-610.1 and 82-612 )
- 010-4A Aid discontinued when AU member fails to apply for or accept available UIB (82-612.1, .6)
- 010-4B Under MR/RB, aid discontinued last day of month for failure to apply for or accept UIB (82-612.3)  
Under QR/PB aid discontinued at end of payment quarter (82.612.3 effective July 1, 2004)
- 010-4C Situations when a person is not "apparently eligible" for UIB (82-612.6)
- 010-5 County representative's duty to determine the issues prior to the hearing (22-073.2)
- 010-6 General duty of county representative (22-073.13)
- 010-7 Duty of county to prepare position statement (22-073.25)
- 010-7A Parties must be prepared on substantive issues unless hearing is limited to jurisdictional issue (22-049.53)
- 010-8A Authorizing a representative; communications with the AR (22-085)
- 010-9 County representative has authority to make binding stipulations at the hearing (22-073.35)
- 010-10 County has burden of going forward (22-073.36)
- 010-11 Applicants must be informed of lump sum diversion (40-115.213)
- 010-12 County duty to have regulations, ACLs, W&IC, other public social service laws, in waiting or reception room in each central or district county office (Handbook 17-017)
- 010-13 Record retention requirements in PA cases (ACL 05-15; 23-353)
- 011-1 County responsibility to be courteous and respectful (40-101.12); Discourteous treatment by county employees is not a state hearing issue (22-003.15)

## ParaReg Headnotes

### 000-199 CalWORKs

- 012-1 Information relating to eligibility provided solely by applicant/recipient is open to that individual's inspection (19-005.1)
- 012-2 Case files, except for privileged communications, are open to inspection by claimant or AR (19-005.4 and 19-006)
- 012-3 Case record open to inspection by claimant or AR in conjunction with state hearing (W&IC 10850.2)
- 013-1 Counties are not to discriminate in administering aid programs; complaints of discrimination are to be referred to Civil Rights Bureau (21-109.1 and 21-203.11)
- 013-2 Duty of county to provide notices in language other than English (21-115.2; ACL 92-90, 00-03)
- 013-2A Duty to provide notice in primary language when five percent of welfare population lives in the particular county (*Asociacion Mixta Progresista*)
- 013-2B County responsibilities in providing language services (ACL 03-56)
- 013-2C Counties must provide forms and written materials in individual's primary language; primary language defined (ACIN I-09-06)
- 013-3 Cases involving discrimination issues are to be remanded to the county for preparation of a report (22-062.5)
- 013-4 Authority of SIU; rules pertaining to conduct of SIU investigations (20-007.3)
- 013-5 Requirement under Civil Rights laws to be nondiscriminating and provide equal access to people with disabilities, under Title II of ADA and California FEHA (ACL 01-42)
- 014-1 General duty to assist in application process (40-107.1)
- 014-2 General complaint procedure (22-109.1)
- 014-3 Alien applicants must have documentation requirements explained in language in which they are fluent (42-435)
- 014-4 Applicants must be informed of diversion before aid is approved (W&IC 11265(a); 82-215.2)
- 014-5 Program duty: to inform applicants and recipients of duty to report accurately and promptly, to take prompt action on information, and to provide follow-up help through more contact when recipient has difficulty reporting (20-005.311-.313)
- 014-6 Duty of county to inform persons fingerprinted or photographed that image will be used solely to prevent or prosecute welfare fraud (40-105.3)
- 014-7 County duty to put its discretionary standards in writing (21-115; Handbook 11-501.3; ACL 00-08, 02-03)
- 014-7A Legally required written county policies and procedures makes interested parties aware of program rules, promote uniform and equitable treatment, assist in demonstrating county actions are not arbitrary and capricious, and can support county actions in State hearings (ACL 00-08)
- 014-8 Income maintenance responsibility to make and record eligibility and grant determinations for PA cases, and for MN SOC cases (MPP 11-501.1, .2)
- 014-9 Counties must ensure that CalWORKs applicants who are denied work benefits and CalWORKs recipients who are discontinued from that aid program receive the Medi-Cal and FS benefits to which they are eligible (ACIN I-32-01)
- 015-1 General responsibility of recipient to cooperate (40-105.1)
- 015-1A Applicant responsibility to report changes in five days, recipients in ten days (40-105.13, .14)
- 015-1B County responsibility to ensure correct payment, assist recipient (40-181.1(a))
- 015-1C Under QR/PB, eligibility regarding deprivation, AU composition, property and transfers determined only once per quarter on the QR 7 (40-181.1(a)(1))
- 015-2 County may deny if refusal to cooperate (40-157.3)

## ParaReg Headnotes

### 000-199 CalWORKs

- 015-2A During application process, county can require evidence only if necessary to determine past or present eligibility (40-126.31)
- 015-2B During application process, county must provide written notice to applicant of necessary evidence, and pay to obtain evidence if necessary (40-126.32, .332)
- 015-2C County must document failure of applicant to make good faith effort to obtain evidence, and cannot deny if claimant is cooperating (40-126.334, .34)
- 015-2D Applicant who fails to cooperate may be eligible if necessary evidence received within 30 days of denial NOA (40-126.342, .343)
- 015-2E Denial for refusal to cooperate must be based on oral or written active refusal (40-126.344)
- 015-2F CalWORKs application and interview requirements (ACIN I-15-03)
- 015-3 Documents or evidence must be received on or before appropriate deadline set by county; extension of deadline if it falls on nonbusiness day (40-181.1(k))
- 015-4 Duty to accept unconditionally available income; penalty for failure to accept such income (44-103.2, repealed 7/1/93, replaced by 82-610)
- 015-4A Duty to seek or accept available income; penalties for failure to do so (82-610.1)
- 015-4B Definition and examples of potentially available income (82-610.3, .4)
- 015-4C PE who does not apply for UIB when apparently eligible disqualifies family from establishing U-deprivation; PE who cooperates before authorization of aid meets requirements as of application date (41-440.23, as revised 7/1/98)
- 015-5 County is responsible for determining good cause for failing to meet UIB eligibility conditions; good cause criteria (82-614.2)
- 015-7 Failure to cooperate with QC results in ineligibility for the AU (40-203.1, 40-209.2)
- 015-8 Minor parent's failure or refusal to obtain verification of whether or not adult will act as payee renders AU ineligible (89-201.42)
- 015-9 Requirement for adult parents and caretaker relatives and pregnant women to supply two fingerprint images and one photo image at application; failure to provide makes AU ineligible (40-105.3; ACL 00-32)
- 015-9A Duty of county to inform persons fingerprinted or photographed that image will be used solely to prevent or prosecute welfare fraud (40-105.3)
- 015-9B Persons temporarily and permanently exempt from SFIS requirements; only specified reasons establish good cause (40-105.33, .35; ACL 00-32)
- 015-9C Counties must inform applicants/recipients of SFIS requirements (ACL 00-32)
- 015-9D Two NOAs required if applicant fails to cooperate in providing information, complying with SFIS (ACL 00-32)
- 015-10 All applicants and recipients of CalWORKs and FC must assign child and spousal support for themselves and for required AU members as a condition of eligibility (82-506.1, 82-820.3)
- 015-10A Applicants and recipients of CalWORKs and FC must assign child and spousal support for themselves and (unlike 82-506.1) for family members for whom aid is requested or received, and receipt of aid assigns support by operation of law (Handbook 12-410)
- 015-11 "Applicant" is a person who requests aid or a person on whose behalf a request for aid is made (80-301a.(7))
- 016-1 Application in writing (40-103.4)
- 016-1A Date of application defined (80-301d.(1))
- 016-2 Restorations (40-103.42)
- 016-2A Application requirements in restorations (40-125.9)
- 016-3 Formal application is not necessary to include additional person in AU (40-121.3, 40-121.34)

## ParaReg Headnotes

### 000-199 CalWORKs

- 016-3A CA 7 can serve as application for optional person or for conversion from state to federal CalWORKs (80-310c.(1))
- 016-4 CalWORKs annual redetermination of eligibility (40-181.21)
- 016-5 Duty to act promptly on applications, 45-day rule (40-126.1)
- 016-6 Any person, even if apparently ineligible, has the right to apply for aid (40-109.1)
- 016-7 Applicant/recipient self-determination (40-109.4)
- 016-8 Withdrawal of CalWORKs application (40-171.231)
- 016-9 Regulations governing the method of initial determination also applicable to continuing and periodic determinations (40-181.31)
- 016-10 Requirements to protect applicants' right to apply when welfare offices closed on normal working days (Blanco v. Anderson and Belshé)
- 016-10A Requirement to provide for filing applications on normal working days implemented (Blanco v. Anderson; ACL 94-108, 95-08)
- 016-11 Kin-GAP child is treated as recipient, not applicant (ACL 99-97)
- 016-12 CalWORKs eligible persons eligible for Medi-Cal (40-171.212)
- 016-13 County shall deny aid if whereabouts unknown (40-171.221(c))
- 017-1 Face-to-face interview required (40-131.1)
- 017-2 Situations in which a home visit is necessary (40-161)
- 018-1A DA cooperation requirements (82-512.2)
- 018-1B DA determines cooperation, and county determines good cause (W&IC 11477(b)(1), 11477.04; ACL 97-65; 82-510.1 revised 7/1/98)
- 018-2A Prospective application of the child/spousal noncooperation sanction for AFDC recipients who retain direct support (ACL 91-34)
- 018-3A Cooperation requirements for child/spousal support (82-510.1, partially revised 7/1/98, and re-revised 6/21/99)
- 018-3B Cooperation requirements for medical coverage (82-510.2)
- 018-3C Applicant/recipient must cooperate in obtaining payments or property due an AU member (82-510.3)
- 018-3E Penalty for failure to assign child support is exclusion from AU; for failure to cooperate in paternity establishment or child support enforcement is 25% reduction in grant (W&IC 11477(a)(1), 11477.02; ACL 97-65; 82-506.1, revised 10/1/98, 82-510.4, revised 7/1/98)
- 018-3F Statutory and regulatory good cause criteria for failure to cooperate with DA or county (W&IC 11477.04(b); ACL 97-65; 82-506.1, revised 10/1/98; 82-512.1, revised 7/1/98, and re-revised 6/21/99)
- 018-3G County welfare department makes good cause determination regarding cooperation with LCSA; good cause criteria (W&IC 11477.04(a) and (b))
- 018-3H Evidence supporting good cause claims (W&IC 11477.04(c))
- 018-5A Burden on claimant to justify claim for exemption from paternity, securing support and medical coverage cooperation requirements (82-512.51, pre-7/1/98, 82-512.41)
- 018-5B Evidence to support rape/incest exemption claim (82-512.521, .525, revised and renumbered 7/1/98)
- 018-5C Evidence to support pending adoption exemption claim (82-512.522, .525, revised and renumbered 7/1/98)
- 018-5D Counseling days regarding adoption or relinquishment of child were limited to 90 for purposes of exemption prior to 7/1/98, evidence to establish this exemption (82-512.523, .525, renumbered, revised 7/1/98)

## ParaReg Headnotes

### 000-199 CalWORKs

- 018-5E Special considerations re: claim of emotional harm exemption, and evidence to support claim of physical or emotional harm (82-512.4, .525, renumbered, revised and repealed 82-512.424-.426, 7/1/98)
- 018-6B All applicants and recipients of CalWORKs and FC must assign child and spousal support for themselves and for required AU members as a condition of eligibility (82-506.1, 82-820.3)
- 018-7 CalWORKs (formerly AFDC) parents required to submit support payments received to District Attorney (43-107.26 renumbered to 82-510.16)
- 018-8 AFDC recipient must be allowed to attest as to lack of information regarding absent parent before sanctions can be imposed (ACL 90-12, *Sahi v. McMahon*)
- 018-10 Child support activities shall be started or resumed for recipient, exempt from cooperation, at recipient's request (82-508.352, eff. 6/21/99)
- 019-1A Applicant/recipient must cooperate in obtaining and furnishing SSN (40-105.2)
- 019-2A Requirement to verify that an application for an SSN has been filed on behalf of a newborn (40-105.22)
- 019-3 Failure or refusal to provide SSN results in ineligibility for individual, or if individual is only eligible child, for entire AU (40-107.71)
- 019-4 Furnishing and using SSNs does not violate First Amendment of Constitution (*Bowen v. Roy*)
- 019-5 Required documentation of preschool children's immunization except if medically contraindicated or contrary to applicant's or recipient's belief (W&IC 11265.8)
- 019-5A Children under age 6, unless in school, subject to immunizations requirements (ACL 97-70)
- 019-6 Parents/caretaker relatives are excluded from AU for eligibility and grant purposes after failure to provide immunization documentation the first of the month following timely notice, and restored the month following the month documentation is provided (40-105.4(a), (h); 40-105.5(e), (g); 40-105.4(g))
- 019-7 Failure to have school age children attend school leads to exclusion of adults from AU (W&IC 11253; ACL 97-70; 40-105.5(a)-(d))
  
- 020-1 First county is to complete application process if recipient moves to another county after the time of application (40-125.5)
- 020-2 Intercounty transfer to be initiated when the first county is notified that the recipient has moved to another county (40-190.1, formerly 40-189.21)
- 020-3 Responsibility of first county to notify second county of recipient's move to second county (40-195.211, renumbered to 40-195.11)
- 020-3A No need to reapply for Medi-Cal in new county after CalWORKs discontinuance (ACL 04-14)
- 020-4A Expiration of transfer period (40-187.12)
- 020-5 No application necessary on a transfer between FG and FC (40-121.32)
- 020-6 Intraprogram status change (FG to FC); no new application needed (40-183.1; 40-121.32)
- 020-7 County duty to advise of potential CalWORKs (formerly AFDC) eligibility when processing Medi-Cal cases (Title 22, CCR, 50153)
- 020-8 First county is responsible for eligibility and payment until end of transfer period; second county establishes quarterly reporting cycle (40-190.2, .21, .22)
- 020-8A If recipient moves to another county, CalWORKs Inter-county transfer rules apply. For food stamps, recipient must reapply in second county, but first county discontinues food stamps to coincide with CalWORKs transfer. (ACL 03-18; ACIN I-54-03)

## ParaReg Headnotes

### 000-199 CalWORKs

- 020-9 In FC intercounty transfer, first county remains responsible for payment of aid (40-190.32, formerly 40-187.221)
- 020-10 Special rules regarding responsible county when a child moves from one county to another (40-190.222, formerly 40-187.222)
- 020-11 County of responsibility in HA cases (44-211.515)
- 020-12 In HA, use MAP in county where applicant resides (44-211.515(a))
- 021-1 Duty to complete CA 7/QR 7 (40-181.22)
- 021-2 Discontinuance for failure to submit CA 7; personal contact; rescission of discontinuance (40-181.22)
- 021-4 Sponsored alien's duty to report income and resources of sponsor (40-181.25)
- 021-5 Good cause for failure to submit a CA 7 timely (40-181.23)
- 021-6 County to rescind discontinuance or allow earned income disregards when recipient has good cause for not reporting timely on CA 7; earned income disregard penalties are no longer relevant after 7/1/98 (40-181.234, 44-113.218; ACL 97-67)
- 021-8 Requirements for a complete CA 7 (40-181.241, eff. 2/3/99)
- 022-1 IPV defined (20-351.1i(1), revised 7/1/98; Handbook 80-301i.(2))
- 022-2 IPV penalties; only court may reverse (82-620.1-.5)
- 022-3 Welfare fraud requires nonentitlement to aid (*People v. Ochoa*)
- 022-4 Responsibility of county EWs and supervisors to ensure that applicants understand penalties for not reporting or misstating relevant facts (20-005.311)
- 022-5 Program duty: to inform applicants and recipients of duty to report accurately and promptly, to take prompt action on information, and to provide follow-up help through more contact when recipient has difficulty reporting (20-005.311-.313)
- 022-6 Fraud penalties in 20-353.2-.261 apply only to acts committed after January 1, 1998 (20-351.3)
- 022-7 Same IPV act, repeated over time, gives rise to only one penalty (20-353.7)
- 022-8 Applicants are to be provided written notice of IPV disqualification penalties (22-310, effective 1/5/95)
- 024-1 Fleeing felons defined, and excluded from the AU (W&IC 11486.5(a); ACL 97-65; 82-832.1(h), (i))
- 024-4 Drug felons defined, and excluded from the AU (W&IC 11251.3; ACL 97-65; 82-832.1(j), 832.20)
- 024-5 Person who pleads guilty, but there is no entry of judgment, is not considered a drug felon until judgment is entered (ACIN I-71-99)
- 024-6 Person who has had drug felony conviction entered does not receive retroactive benefits if conviction is reduced or record expunged (ACIN I-71-99)
- 024-7 Minor must be convicted as an adult or minor is not a drug felon (ACIN I-71-99)
- 025-1 Requirement for adult parents and caretaker relatives and pregnant women to supply two fingerprint images and one photo image at application; failure to provide makes AU ineligible (40-105.3; ACL 00-32)
- 025-2 Duty of county to inform persons fingerprinted or photographed that image will be used solely to prevent or prosecute welfare fraud (40-105.3)
- 025-3 Persons temporarily and permanently exempt from SFIS requirements; only specified reasons establish good cause (40-105.33, .35; ACL 00-32)
- 025-4 Counties must inform applicants/recipients of SFIS requirements (ACL 00-32)
- 025-5 Two NOAs required if applicant fails to cooperate in providing information, complying with SFIS (ACL 00-32)



## ParaReg Headnotes

### 000-199 CalWORKs

- 025-6 Court order re SFIS policies of failure v. refusal to comply, how SFIS caretaker relatives pre 7/21/96 are affected, or how those individuals are treated when another family member is applying, stayed on appeal (*Sheyko v. Saenz*; ACIN I-69-01)
- 026-1 Quarterly Reporting/Prospective Budgeting (QR/PB) replaces Monthly Reporting Retrospective Budgeting (MRRB) for CalWORKs and food stamps. (ACL 03-18)
- 026-1A Implementation of QR/PB for CalWORKs recipients (40-036)
- 026-1B County duty to assign QR cycle and notify recipient of cycle (40-107(j))
- 026-2A Terms used in QR/PB reporting system (40-103.5)
- 026-3 The QR 7 must be completed every third month. Completeness criteria for QR 7 are the same as CW 7 completeness criteria. (ACL 03-18)
- 026-4 Due dates, county actions for QR/PB remain same as under MRRB. (ACL 03-18)
- 026-4B Duty to complete QR 7 (40-181.22)
- 026-4C Discontinuance for failure to submit QR 7; personal contact; rescission of discontinuance (40-181.22)
- 026-4D Good cause for failure to submit a QR 7 timely (40-181.23)
- 026-4E Final CW 7 used when transitioning recipient from MR/RB to QR/PB (ACL 03-18)
- 026-4F County duty to resolve discrepancies from QR 7 during QR 7 Reporting Period (44-316.231)
- 026-5 County must rescind discontinuance if recipient returns complete QR 7 after the 11th of the month, but before the first of the next month. There is an overpayment/overissuance if county could not decrease benefits because it could not issue 10-day notice due to late QR 7. (40-181.1, 44-350.5, 44-316.331(n), ACL 03-18)
- 026-7 County will use information on QR 7 to determine eligibility on quarterly basis regarding deprivation, property, AU composition and transfer of assets (40-181.1(a)(1))
- 026-7E For fluctuating income, county must average income over the QR payment quarter. Steps listed for county to determine monthly average income. (ACL 03-18; ACIN I-54-03)
- 026-8 Property eligibility is determined once per quarter. Nonrecurring lump sum is considered property in CalWORKs under QR/PB. (40-181.1(a)(1); 42-209.2; ACL 03-18)
- 026-8B CalWORKs transfer of asset rules remains unchanged. Under QR/PB period of ineligibility begins at beginning of upcoming payment quarter. (42-221.612(b); ACL 03-18)
- 026-9 CalWORKs recipient's continued eligibility based on deprivation on the QR 7 established once per quarter. (41-405.11; ACL 03-18)
- 026-10 Recipients required to report certain specified changes to the county within 10 days of the change in addition to changes reported on the QR 7 form. Mandatory items for recipient to report listed. (ACL 03-18)
- 026-10A Income Threshold Report (IRT) defined. (44-316.324; ACL 03-18)
- 026-10B County must provide recipient with an informing notice that spells out IRT limit on an individualized basis at least once per quarter. (ACL 03-18, 03-57)
- 026-10C Failure to report income that exceeds IRT can result in overpayment and CalWORKs disqualification. (ACL 03-18)
- 026-10F No need for county to verify income that exceeds IRT before county discontinues CalWORKs. (ACIN I-54-03)
- 026-10G Income that an assistance unit must report for IRT purposes. (ACL 03-57)
- 026-11 If county is unable to provide 10-day notice following assistance unit/household report of drug felony conviction, fleeing felon status or violation of condition of parole, county must issue benefits at prior level. (ACL 03-18)

## ParaReg Headnotes

### 000-199 CalWORKs

- 026-11A If recipient moves to another county, CalWORKs inter-county transfer rules apply. For food stamps, recipient must reapply in second county, but first county discontinues food stamps to coincide with CalWORKs transfer. (ACL 03-18; ACIN I-54-03)
- 026-12A Voluntarily reported changes may result in increase in one program's benefits and decrease in another. County must act on the increase, but suppress the decrease. (ACL 03-18)
- 026-12C Recalculating the current quarter's CalWORKs and food stamp benefits when a recipient reports a decrease or discontinuance of income. (ACL 03-18)
- 026-12D No RISPs in the QR/PB system. (ACL 03-18)
- 026-12F When Medi-Cal eligibility is established for new members of the assistance unit. (ACL 03-18)
- 026-12G Effect of person moving into the home with income that causes assistance unit/household to be financially ineligible. New person ineligible for Medi-Cal. (ACL 03-18)
- 026-12H County must treat addition/removal of optional person and income in same manner it would treat a mandatorily included person in the assistance unit. (ACIN I-54-03)
- 026-15 Under QR/PB reasonably anticipated income is not reconciled with actual income in first two months. (ACL 03-18)
- 026-16 Establishing CalWORKs overpayments in the QR/PB system. (ACL 03-18)
- 026-16A Overpayment begins on first date change would have been made based on accurate recipient report regardless of whether the error was caused by county or recipient. (ACL 03-18)
- 026-16B Voluntarily reported changes not considered when determining whether there is an overpayment/overissuance. (ACL 03-18)
- 026-16C Property related overpayment/overissuance only determined based on information that should have been reported on the QR 7. (ACL 03-18)
- 026-16E No overpayment/overissuance or underpayment/underissuance when actual income differs from reasonably anticipated income. (ACL 03-18)
- 026-17 County must take action to restore underpayment/underissuance. Restoration based on QR rules. (ACL 03-18)
- 026-18 County option how to establish quarterly reporting cycles. (40-107(j); ACL 03-18)
- 
- 036-1 Eligible Stage One Child Care recipients (47-220.1, .2, .3)
- 036-2 Definition of client (and former client) for child care purposes (47-110(c)(4), (f)(3))
- 036-3 Eligible children for Stage One child care (47-201)
- 036-4 Overpayment for child care program defined (47-110(o)(1))
- 036-4A Collection of child care overpayments (47-440)
- 036-4B Generally, child care payments are made directly to provider, except they may be made directly to client if care is provided in client's home (47-420.1, .2)
- 036-4C Examples of child care overpayments (ACL 00-53)
- 036-4D Examples where there is no child care overpayment (ACL 00-53)
- 036-5 Definition of underpayment and requirement to correct underpayment (47-110(u)(1), 47-440.1)
- 036-6 When the county must, when the county may, and when it shall not pay for child care (47-401.4, .5)
- 036-7 Definition of family fee and calculation for Stage One clients (47-110(f)(1), 47-240.1)
- 036-8 Retroactive child care payments limited to 30 days prior to request (47-430.2)
- 036-8A Retroactive child care payments applies to former CalWORKs recipients (47-430.3)
- 036-8B When child care informing notice must be provided (47-301.2 and .23)
- 036-8C Information that must be provided in child care informing notice (47-301.22)
- 036-8D Duty of applicant/recipient to sign informing notice (47-301.26)

## ParaReg Headnotes

### 000-199 CalWORKs

- 036-9 Trustline Registry system provides criminal record clearance (47-601)
- 036-9A All licensed child care providers must apply for Trustline unless exempt; exemptions listed (47-610)
- 036-9B Families requesting license-exempt child care and subject to Trustline must return completed application package within 28 calendar days (47-620.1)
- 036-10 Definition of "intercounty transfer" in child care (47-110(i)(1))
- 036-10A Definition of "first county" and "second county" in child care (47-110(f)(2), (s)(1))
- 036-10B Responsibility of first and second county in intercounty child care transfer (47-310.1,.2)
- 036-10C No delay permitted in child care payments when county receives necessary child care information (47-310.3, 47-420.21)
- 036-10D County payment responsibility in child care intercounty transfer cases (47-310.3)
- 036-11 Optional foster parent child care program (ACL 05-23)
- 037-1 Establishment of separate State CalWORKs program for certain two-parent families (ACL 99-54)
- 037-2 Eligibility criteria for State CalWORKs program for two-parent families (ACL 99-54)
  
- 040-1 Aliens eligible for aid as provided under federal law, if lawfully admitted for permanent residence, or if PRUCOL (W&IC 11104)
- 041-1 Only citizens and eligible aliens eligible for AFDC (42-430)
- 041-2 Acceptable verification of citizenship (42-433.2)
- 042-1 Categories of eligible aliens (42-431.2)
- 042-2 Aliens eligible for aid as provided under federal law, if lawfully admitted for permanent residence, or if PRUCOL (W&IC 11104)
- 042-4 "Qualified aliens" for CalWORKs purposes (ACL 98-65)
- 042-5 Applicants for asylum not eligible for AFDC (*Sudomir v. McMahon*)
- 043-1 State residence, not county residence, is a requirement for aid (42-400)
- 043-2 Durational residence not required (42-401)
- 043-2A Definition of residence (42-403)
- 043-3 Prompt treatment of recipients who have moved from other states (42-421)
- 044-1 County of responsibility; county of residence (40-125.1, .3)
- 046-1 Sponsor's income and resources deemed to sponsored alien (43-119.22)
- 046-1A State law requirements for attribution of sponsor's income and resources to the sponsored alien (W&IC 11008.135(a))
- 046-2A Definition of sponsored alien (80-301s.(5))
- 046-3 Sponsored alien regulations do not apply to certain specified admittees (43-119.1)
- 046-4 Parolees exempt from sponsored alien provisions if affidavit of support was not required (ACIN I-02-94)
- 046-5 Sponsored alien must provide information and documentation about sponsor as condition of eligibility (43-119.231, .214, .24)
- 046-5A Sponsored alien's responsibility, under state law, to provide information about the sponsor and the sponsor's spouse's income and resources (W&IC 11008.135)
  
- 050-1 Deprivation necessary for CalWORKs (formerly AFDC) eligibility (41-400)
- 050-2 Readjustment period after deprivation ceases; no adjustment period with QR/PB (41-405.2 repealed with implementation of QR/PB)

## ParaReg Headnotes

### 000-199 CalWORKs

- 050-2A Under QR/PB the three-month adjustment period in MPP §41-405 is eliminated. (ACL 03-18)
- 050-2B Under QR/PB, deprivation not evaluated mid-quarter, only based on information on QR 7 (41-405.11 effective July 1, 2004)
- 050-3 Types of deprivation (41-401)
- 050-4 County responsibility to investigate whether other basis of deprivation exists when one ceases, and family still in need (41-405.1)
- 050-5 Federal AFDC-U shall not be the basis for deprivation if other eligibility exists changed to allow eligibility to be established based on any deprivation factor (41-401.3, formerly 41.401.4, revised 6/14/99)
- 050-6 CalWORKs recipient's continued eligibility based on deprivation on the QR 7 established once per quarter. (ACL 03-18)
- 052-1 Incapacity deprivation, general (41-430)
- 052-2 Incapacity deprivation, specific (41-430.1)
- 052-3 Proof of incapacity (41-430.2)
- 053-1 New rules for unemployed parents effective 1/1/98, linked to W&IC and 8/21/96 CFR (W&IC 11201(b); 45 CFR 233.100; ACL 97-65)
- 053-1A Increased hours of employment for recipient parent of CalWORKs-U child does not result in ineligibility (W&IC 11201(c), effective 1/1/98, modified 1/1/99)
- 053-1B AU continues eligible, if other factors met, when U-parent begins working greater number of hours (41-401.2)
- 053-1C Federal requirements as of 8/21/96 which apply to the CalWORKs-U Program (45 CFR 233.100)
- 053-2 Temporary employment over 100 hours not disqualifying (41-440.11)
- 053-4 Determination of "principal earner" for CalWORKs (formerly federal AFDC-U) purposes (41-440.1(c), revised 7/1/98)
- 053-7 Old rule: Principal earner for federal AFDC-U must have been unemployed for 30 days prior to receipt of cash assistance (41-440.22; AB 1542)
- 053-8B Linkage to AFDC-U (now CalWORKs) continues regardless of hours PE works, or until deprivation changes (ACL 92-98; 41-401.2)
- 053-9A Determination of date of transfer to U-deprivation (41-440.1(d))
- 053-12 PE who does not apply for UIB when apparently eligible disqualifies family from establishing U-deprivation; PE who cooperates before authorization of aid meets requirements as of application date (41-440.23, as revised 7/1/98)
- 055-1 Absent parent deprivation, general (41-401.14)
- 055-2 Definition of "continued absence" (41-450.11)
- 055-3 Federal and state definition of "continued absence" (45 CFR 233.90(c)(iii); W&IC 11250(c))
  
- 060-1 Evidence of child's age (42-111.1)
- 062-1 Status of 18-year-old (42-101.2)
- 062-2 Disabled children who can't complete high school by age 19 may receive CalWORKs unless CDSS can show issuance of benefits would cause a substantial financial hardship to the State (*Fry v. Saenz*)
- 062-2A Disabled 18-year-olds who can't complete high school by age 19 may receive CalWORKs until age 19 (ACL 04-33)
- 062-3 Identifying disabled 18-year olds (ACL 04-50, 42-101)

## ParaReg Headnotes

### 000-199 CalWORKs

- 062-3A Implementation of procedures and standards to determine if 18-year old is considered disabled (ACL 04-50)
- 062-4 Counties must discontinue 18-year olds who are not disabled; no overpayment for those who received cash aid based on ACL 04-33 (ACL 04-50)
- 065-1 Kin-GAP is for children with court dependencies living with relatives who are the child's guardian; ACLs serve as temporary regulations (SB 1901; AB 1111; ACL 99-92, 99-97)
- 065-2 Kin-GAP recipient is in own AU, and income and aid payment is not available to others; caretaker relative may be in separate AU (W&IC 11450(j), 11371, 11450.16(B); ACL 99-92, 99-97; 90-105.31, 82-820.22)
- 065-3 Kin-GAP child must have lived with relative for 12 consecutive months, guardianship must be established, and juvenile court dependency dismissed after 1/1/2000 (W&IC 366.26, 366.3; ACL 99-97, 00-09; 90-105.121, .131, .132)
- 068-1 Kin-GAP recipient is in own AU, and income and aid payment is not available to others; caretaker relative may be in separate AU (W&IC 11450(j), 11371, 11450.16(B); ACL 99-92, 99-97; 90-105.31, 82-820.22)
- 068-2 Kin-GAP payments for current month; to be paid by first of month (ACIN I-32-05)
  
- 070-2 Eligibility for pregnant women in last three months of pregnancy, or under 19 without high school diploma (44-209.23)
- 070-2A Pregnant teen loses AFDC and pregnancy special need payment if she turns 19, receives high school diploma, and is not in third trimester of pregnancy but becomes eligible again in third trimester (ACL 96-45; 44-209.23, 44-211.632; ACIN I-09-97)
- 070-3 Retroactive eligibility for mothers who deliver children prior to anticipated month of birth (44-209.234)
- 070-4 Families are grouped into AUs for purposes of eligibility and grant computation (W&IC 11450.16(a), 1/1/99)
- 070-5 Kin-GAP is for children with court dependencies living with relatives who are the child's guardian; ACLs serve as temporary regulations (SB 1901; AB 1111; ACL 99-92, 99-97)
- 070-6 Kin-GAP child must have lived with relative for 12 consecutive months, guardianship must be established, and juvenile court dependency dismissed after 1/1/2000 (W&IC 366.26, 366.3; ACL 99-97, 00-09; 90-105.121, .131, .132)
- 070-7 Kin-GAP recipient is in own AU, and income and aid payment is not available to others; caretaker relative may be in separate AU (W&IC 11450(j), 11371, 11450.16(B); ACL 99-92, 99-97; 90-105.31, 82-820.22)
- 071-1A Individuals who must be listed on the Statement of Facts; optional persons; denial appropriate when applicant won't list individual on Statement of Facts (40-118.1, .2, .4)
- 071-2A Persons who are necessary to establish an AU (82-820)
- 071-2B Under QR/PB, beginning date of aid for unaided father of pregnant woman who receives aid as an AU of one (44-205.122)
- 071-3 Exceptions to mandatory AU inclusion rules for pregnant or parenting minors (Handbook 82-820.333)
- 071-4A AU must include a child unless there is a pregnant woman, or only child is GAIN sanctioned or receives SSI (82-820.2)
- 071-5 MFG child excluded from AU for MAP purposes, but not for MBSAC, special needs (44-314.2, .6)

## ParaReg Headnotes

### 000-199 CalWORKs

- 071-7 Persons who are sanctioned (and not in AU) v. persons who are penalized (and are in AU) (ACIN I-09-98)
- 071-8 Required members of AU include eligible child and caretaker relative, or pregnant woman, and eligible parents and eligible siblings, living in the home with the eligible child (W&IC 11450.16(b), (c), effective 1/1/99)
- 072-1A County must advise applicant/recipient of AU most advantageous to family (82-820.3, 82-828.1)
- 072-2 Persons who, at option of required AU members, may be included in AU (W&IC 11450.16(d))
- 073-2A Father of unborn excluded from AU (82-832.13)
- 073-3 SSI/SSP, RRP, or FC recipient excluded from AU (82-832.1(e))
- 073-3A 1619(b) recipients are SSI recipients for CalWORKs purposes (ACL 01-35; 82-832.1(e), 44-133.21)
- 073-4 Needs of parents and caretaker relatives not considered if preschool children have not received immunization (W&IC 11265.8(a); ACL 97-70; 40-105.4(c), (g))
- 073-5 Parents/caretaker relatives are excluded from AU for eligibility and grant purposes after failure to provide immunization documentation the first of the month following timely notice, and restored when documentation is provided the first of that month (ACL 97-70; 40-105.4(a), (h); 40-105.5(e), (g); 40-105.7(g))
- 073-6 Failure to have school age children attend school leads to exclusion of adults from AU (W&IC 11253; ACL 97-70; 40-105.5(a)-(d))
- 073-6A Needy caretaker relative of Kin-GAP minor is not penalized if the minor hasn't met immunization or school attendance requirements (ACL 01-64; 40-105.5(d) and 40-105.4(g))
- 073-6B Kin-GAP child 16 or over who fails to attend school remains aided as a ZBG case (ACL 01-64; 40-105.5)
- 073-7 Fleeing felons defined, and excluded from the AU (W&IC 11486.5(a); ACL 97-65; 82-832.1(h), (i))
- 073-8 Drug felons defined, and excluded from the AU (W&IC 11251.3; ACL 97-65; 82-832.1(j), 832.20)
- 073-9 Voucher/vendor payments required if excluded AU parent or caretaker is drug felon, but not if fleeing felon (ACL 97-66; W&IC 11251.3, 11486.5; 44-307.11)
- 073-10 Statutory MFG requirements, including statutory NOA requirements (W&IC 11450.04(a), (f); 44-314.2, .32, .6)
- 073-10A Regulatory NOA requirements before MFG can apply; when MFG will not apply because AU has been off aid for two consecutive months (44-314.143, .31, .32; *Nickols v. Saenz*; ACL 00-78)
- 073-10B MFG rule applies if MFG child moves from mom to dad even if dad was not in mom's assistance unit (ACL 01-82)
- 073-10C MFG rule applies until assistance unit has not received aid for at least 24 consecutive months (44-314.4)
- 073-11 When MFG doesn't apply, under MPP (44-314.5)
- 073-11A State law provides that MFG does not apply when conception occurred when either parent was a nonneedy caretaker relative (W&IC 11450.04(d)(2))
- 073-11B CDSS position is that if a parent is in home but not in AU, MFG will apply (ACL 97-29, 01-82)
- 073-11C When teen/former teen parent establishes own AU, after receiving aid in a caretaker relative's AU at the time of the birth of his/her child, or FG rule does not apply to any existing child, or any child born in next 10 months (44-314.56; *Nickols v. Saenz*)
- 073-11D MFG rule does not apply if Depo-Provera fails (ACL 01-82)
- 073-11E MFG rule does not apply to child of unaided minor parent living with aided senior parent (ACL 01-82)

## ParaReg Headnotes

### 000-199 CalWORKs

- 073-11F MFG rule does not apply if child is not living with either parent (44-314.55)
- 073-11G Counties may waive MFG rules for victims of domestic violence (ACIN I-02-06)
- 073-12 MFG child excluded from AU for MAP purposes, but not for MBSAC, special needs (44-314.2, .6)
- 073-12A Certain payments made to or on behalf of MFG child for child support are exempt from consideration as income (ACL 01-16; *Kehrer v. Saenz*; 44-314.62, .621)
- 073-13 Revisions to MFG NOA, requirements to notify applicants and recipients of MFG rules, eligibility of certain teen parents (*Nickols v. Saenz*; ACIN I-82-00; ACL 00-78)
- 073-14 Distinction between sanction and penalty (ACIN I-09-98)
- 073-14A Persons who are sanctioned (and not in AU) v. persons who are penalized (and are in AU) (ACIN I-09-98)
- 073-14B Interpretation of how penalized person's exclusion from AU affects HA, RISP, in-kind income, special needs (ACL 99-76)
- 074-1A Parent who relinquishes child is no longer a "parent" but may still be caretaker relative (80-301p.(1), 82-808.12)
- 074-2A Child must be living in home of caretaker relative (82-804.1)
- 074-3A Caretaker relative defined; second cousin not caretaker relative (82-808.1; ACL 94-01)
- 074-3C Definition of caretaker relative; degree of consanguinity required (80-301c., 82-808.1)]
- 074-3D Evidence necessary to verify the relationship of a child to a caretaker relative (82-808.14)
- 074-4 Preliminary determination of the person presumed to be the legal parent (41-403.2, 43-201.1, .17, .2)
- 074-5 Presumptions regarding the legal parent of a child (Handbook 41-403.21, .22; Family Code 7540, 7550, 7611, 7612; H.& S. Code 10577(a))
- 075-1A Determination of AU when there are multiple caretakers, or one caretaker and nonsiblings (82-824.1; ACL 94-01)
- 075-2A Determination of caretaker relative when child is in shared custody (82-808.4)
- 075-2B Determination of caretaker relative when both parents apply for aid and have equal care and control (82-808.413)
- 075-2C Caretaker relative of child(ren) who stays alternately with different parents for more than "one calendar month" is parent who has child (82-808.42; ACL 97-14)
- 075-2D Definition of "one full calendar month" for purposes of 82-808.4 and 82-812.5 (82-812.51; Handbook 82-812.52)
- 075-3 When, under state law, two or more AUs are to be combined (W&IC 11450.16(e))
- 075-4 Under QR/PB, combining AU's mid-quarter (82-824.14)
- 076-1A Definition of "home of caretaker relative"; includes temporary absence (82-804.2, 82-812)
- 076-1B Temporary absence only occurs after one full calendar month, which month must be at least 30 calendar days; one full calendar month defined (82-812.51; Handbook 82-812.52)
- 076-2 Federal definition of eligible caretaker relatives; includes children under court jurisdiction, and children whose legal custody is held by an agency that does not have physical possession of the child (45 CFR 233.90(c)(1)(v)(B))
- 076-3 Caretaker relative is relative with whom child lives for one full calendar month or more (82-808.42)
- 076-5 Examples of temporary absence existing for more than one calendar month (82-812.6)
- 076-6 Temporary absence is only for one calendar month or less, unless it meets an exception (Handbook 82-812.52(b), .6; ACL 97-14)
- 077-1 Requirement of minor parent to live with parent or guardian in order to receive CalWORKs (formerly AFDC) unless certain exemptions are met (89-201.1, .2)

## ParaReg Headnotes

### 000-199 CalWORKs

- 077-1A Definitions of "minor parent" generally, for Teen Pregnancy Disincentive, and for CWS (80-301m.(3); 89-201.1; 31-002(m)(3))
- 077-2 Old rule: No income considered available from senior parent to grandchildren (89-201.5, revised 7/1/98, repealed 3/31/03)
- 077-2A Child support paid to senior parent on behalf of minor parent is not minor parent income in excluded parent computation set forth in 89-201.514 which regulation was repealed 3/31/03 (ACL 01-15; *Dominika S. v. Saenz*)
- 077-3 Old rule: Grant to minor parent's child(ren), when minor parent is in own AU or in senior parent AU, is greater of grant, per 44-315.3 and MAP of child(ren) (89-201.53, revised 7/1/98 and 3/31/03)
- 077-4 Old rule: Grant, when minor parent is in senior parent's AU, is greater of grant computed per 44-315.3, and child(ren)'s MAP (89-201.6, repealed 7/1/98)
- 077-5 Exceptions to mandatory AU inclusion rules for pregnant or parenting minors (Handbook 82-820.333)
- 077-6 Minor parent not exempt cannot be payee unless adult living in home refuses to accept that duty (89-201.4, .41)
- 077-7 Minor parent's failure or refusal to obtain verification of whether or not adult will act as payee renders AU ineligible (89-201.42)
- 077-8 Determination of exempt AU status when minor parent resides with senior parent (ACL 97-17)
- 077-9 Determining eligibility when minor parent siblings, living with their senior parent, apply for aid (ACL 97-17)
- 078-1 Availability of family members' income (W&IC 11008.14)
- 078-2 Kin-GAP recipient is in own AU, and income and aid payment is not available to others; caretaker relative may be in separate AU (W&IC 11450(j), 11371, 11450.16(B); ACL 99-92, 99-97; 90-105.31, 82-820.22)
  
- 081-2 Resource limits for CalWORKs applicants are FS limits (W&IC 11155, ACL 97-66, 42-207.1; ACIN I-56-02)
- 081-2A Recipients may have resources equal to FS limit, plus certain restricted accounts and certain interment, funeral, and burial property (W&IC 11155, 11155.2, 11158; 42-207.1)
- 081-2B Different rules for property evaluation, based on same statute, between 1/1/98 and 6/30/98, and 7/1/98, in that AFDC (now CalWORKs) real property regulations restored 7/1/98 after invalidation, while personal property rules follow FS regulations throughout the entire period (W&IC 11155; 42-203.2, 42-211.2, 42-213.2; ACL 97-66, 98-47)
- 081-2C Old rule: "AU" can retain countable resources not exceeding FS limit, including all property not excluded in 42-200 et seq., owned by a CalWORKs "family" (42-207.1 revised 8/5/99, 42-203.8, 82-820, 89-100, 63-500; W&IC 11155.2)
- 081-2D AU can retain all countable resources owned by the "family" (defined in regulations) which do not exceed FS limits (42-207.1, 42-203.8)
- 081-2E \$3000 property limit for AU which contains a member 60 years or older, or a disabled member (eff. 10/1/02), and \$2000 for other AUs (Handbook 42-207.2; ACIN I-56-02)
- 081-2F State policy is to disregard state regulations, and to define property using CalWORKs regulations (42-203.2; ACL 99-82)
- 081-3 Recipients may keep up to \$5,000 in a restricted account (89-504(a), renumbered 89-115.113 effective 7/9/95)



## ParaReg Headnotes

### 000-199 CalWORKs

- 081-4 Restricted accounts require agreement with recipient and county, and funds must be retained for a home, for a child's training, or for a new business (89-504(b), (d), renumbered to 89-130(b), (d) effective 7/9/95)
- 081-4A Verification needed for restricted account (89-130(c))
- 081-4B Funds withdrawn from restricted accounts that must be redeposited (89-130(g)(4) and (j))
- 082-4 Owner of property based on legal title, possession, use, control, and ability to sell, repealed from January 1-June 30, 1998 (42-203.3; W&IC 11155; ACL 97-66)
- 082-6 Transfers of property can be made orally; when effective (Civ. C. 1052-1055)
- 083-1 Rule in effect from 1/1/98-6/30/98: Property must be actually available to be counted in determining eligibility (42-201.1; W&IC 11155; ACL 97-66)
- 083-3A CalWORKs applicants and recipients are not required to petition for release of trust funds as a condition of eligibility (ACIN I-92-01; 63-501.3, 40-115, 40-157)
- 083-4 Exclusion of resources when cash value not accessible to HH (63-501.3(i))
- 083-5 Rule in effect except from 1/1/1998-6/30/98: Presumption that those who share title have equal property rights may be overcome (42-205.2; W&IC 11155; ACL 97-66)
- 083-6 Federal interpretation is property for AFDC is unavailable when no AU member is aware or had reason to be aware of property (Transmittal No. ACF-AT-93-2)
- 083-7 Inaccessible resource defined to mean the resource would be exempt if its equity value is \$1500 or less (7 CFR 273.8(e)(18))
- 083-8 Property essential to the employment or self-employment of an HH member is exempt (63-501.3(f))
- 083-9 Old rule: Exclusion of certain inaccessible resources when the value to the HH is less than one-half the resource limit (63-501.3(h)(5), revised, renumbered eff. 6/1/01)
- 083-10 Federal regulations exempt resources which would not produce a significant return, or where the cost of selling would be relatively great (7 CFR 273.8(e)(18), modified eff. 1/20/01)
- 083-11 State regulation makes resources, other than cars or financial instruments, exempt if their sale would produce over \$1500; the regulation is inconsistent with other state and federal regulations which make exempt certain resources whose sale would produce less than \$1500; state regulations amended to conform with federal regulations 2/21/02 (63-501.3(i)(5); 7 CFR 273.8(e)(18); ACIN I-49-01)
- 084-3 Partially Obsolete: 1/1/98 Old rule: Definition of "net market value" of real and personal property, real property definition reinstated 7/1/98 (42-203.7; W&IC 11155; ACL 97-66)
- 084-6 Value of nonexempt real property is equity value, except for vehicles (63-501.12 eff. prior to 1/1/04)
- 085-1B Allowable encumbrances against motor vehicles require lender to be registered with DMV (ACL 94-05)
- 085-3 Federal definition of an "automobile" (45 CFR 233.20(a)(3)(ii)(F)(4))
- 085-4 State definition of a "motor vehicle" (Vehicle Code 415, 670)
- 085-5 Special adaptive equipment for vehicles of disabled persons, or for vehicles used by caretaker relatives to transport a disabled child, is exempt (42-215.411; ACL 97-38; ADA of 1990)
- 085-6 Licensed vehicles exempt as resources when jointly owned and joint owner won't sell, or when legal prohibition against selling vehicle (ACIN I-46-96; 63-501.21, 63-501.3(i)(3))
- 085-6A Federal Law excludes unlicensed vehicles from resource consideration if vehicle is inaccessible due to joint ownership, if in probate, or when HH is making a good faith effort to sell (7 CFR 273.8(c), (d), (e))

## ParaReg Headnotes

### 000-199 CalWORKs

- 085-7A A car, if not otherwise excluded, with an FMV greater than the \$4500 (now \$4650) limit, was a countable resource, even if the net value of the car was zero after encumbrances; after 6/1/01, a car worth less than \$1500 is excluded from resource consideration (*Alexander v. Glickman*; 7 CFR 273.8(e); §63-501.525 renumbered to 42-215.472 eff. 1/1/04)
- 085-7B Vehicle is excluded as a resource when necessary to transport a physically disabled HH member, whether HH member is included or excluded, such as an SSI/SSP recipient (63-501.521(e) renumbered to 42-215.431(e) eff. 1/1/04); USDA FNS Letter FS-6-1-CA; 7 USC 2011(g)(2)(c)(ii); ACL 00-06, 00-31; *Anderson v. Saenz*; ACIN I-124-00)
- 085-7C Determining countable resources of vehicles (63-501.525, eff. 6/1/01 renumbered to 42-215.47 eff. 1/1/04)
- 085-7F Federal exemption of certain vehicles from equity test (7 CFR 273.8(f)(2), eff. 1/20/01; 63-501.523)
- 085-7G One licensed vehicle per adult household member is exempt from equity value test (63-501.523(b), eff. 6/1/01, rev. 2/21/02 and renumbered 42-215.45 eff. 1/1/04)
- 085-7H Valuation of licensed vehicles, using both equity and fair market values (63-501.522, .523, .524 renumbered to 42-215.44, 45 and .46 eff. 1/1/04)
- 085-8 Household can verify that value of vehicle is other than the blue book value (63-501.513 renumbered 42-215.413 eff. 1/1/04)
- 085-8A Counties are to use "wholesale value" to determine value of vehicle, and should use one source consistently (63-501.511 renumbered to 42-215.411 eff. 1/1/04; ACIN I-124-00)
- 085-9 Evaluation of unlicensed vehicles (63-501.53 repealed eff. 1/1/04)
- 086-7 Old rule for personal property; rule for real property except from 1/1/98-6/30/98: Stepfather's separate and community property is exempt (42-213.11e., 42-213.2p.; W&IC 11155; ACL 97-66)
- 086-8 Devices required for use by persons with disability are property exempt (ACL 97-38)
- 086-9 Exclusion from resources of HH goods, personal effects, burial plots, cash surrender value of life insurance, and pension plans (63-501.3(b))
- 086-10 Rule in effect, 1/1/98-6/30/98: Exemption of property producing income consistent with fair market value (63-501.3(d), ACL 97-66)
- 086-12 Exclusion of resources when cash value not accessible to HH; specific rules pertaining to trusts (63-501.3(i)(1), 63-1432)
- 086-13 Rule in effect, 1/1/98-6/30/98: Exclusion of resources such as security deposits, property in probate, real property listed for sale (63-501.3(i)(2)-(4), ACL 97-66)
- 086-16 Rule in effect, 1/1/98-6/30/98: Inaccessible resources of women in shelter for battered women (63-501.3(m), renumbered to 63-501.3(n), ACL 97-66)
- 086-17 Income of nonhousehold members such as SSI recipients does not count (63-503.45)
- 086-18 Identifiable business resources are excluded (63-501.3(f)(2))
- 086-19 Exemption of EITC payments (63-501.3(m))
- 086-20 All college work-study program earnings are exempt as income or property (ACL 98-85; 44-111.25)
- 087-11A "Family" defined for CDSS purposes as including person living in the home as specified in W&IC 11008.14, plus treatment of certain deemed income from aliens; family defined differently for property purposes (ACL 97-59, 98-17; 42-203.8)
- 087-11B Transfer of income or property under state law is potentially disqualifying only if (1) transfer is made for a recipient for less than FMV and (2) transfer would affect recipient's eligibility for benefits or amount of benefits. POI is determined by establishing difference between FMV of income or resource and amount received, dividing this result by the standard of need for the family,

## ParaReg Headnotes

### 000-199 CalWORKs

- and rounding down to the lower whole number to establish the number of months of ineligibility, if any (W&IC 11157.5, effective 1/1/99)
- 087-12A Transfer of property or income occurs when transfer is for less than FMV and would have affected eligibility for benefits if transfer had not occurred (42-221.1, revised 8/5/99)
- 087-12B Computation of POI for property transfers (42-221.21, revised 8/5/99)
- 087-12C Under QR/PB, determination of beginning date of POI for property transfers (42-221.612)
- 087-13 Transfer of property rules do not apply to applicants (W&IC 11157.5; 42-221.2)
- 087-18 Conversion occurs when property is changed from one form to another (42-203.10)
- 087-19 CalWORKs transfer of asset rules remains unchanged. Under QR/PB period of ineligibility begins at beginning of upcoming payment quarter. (ACL 03-18)
- 087-19A Under QR/PB, lump sum income is property in month received. (42-221.4)
- 088-1 Property eligibility is determined once per quarter based on information reported on QR 7 (40-181.1(a)(1))
- 088-1A Nonrecurring lump sum is considered property in CalWORKs under QR/PB. (42-209.2, 44-101(l) effective July 1, 2004)
- 088-2 Information on the QR 7 is used to determine eligibility for the entire upcoming payment quarter. (ACL 03-18)
- 088-3 Property related overpayment/overissuance only determined based on information that should have been reported on the QR 7. (ACL 03-18)
- 088-4 Under QR/PB, excess property overpayments based on information that should have been reported on QR 7 (44-352.111)
- 090-1 Definition of real property repealed from 1/1/98-6/30/98 (42-203.1; W&IC 11155; ACL 97-66, 98-47)
- 091-2A Different rules for property evaluation, based on same statute, between 1/1/98 and 6/30/98, and 7/1/98, in that AFDC (now CalWORKs) real property regulations restored 7/1/98 after invalidation, while personal property rules follow FS regulations throughout the entire period (W&IC 11155; 42-203.2, 42-211.2, 42-213.2; ACL 97-66, 98-47)
- 091-3 Maximum resource limit (63-409.12; 63-504.351(b), 63-504.372(a), Handbook 63-1101.1, 42-207.2; ACIN I-56-02)
- 091-3B AU may retain countable resources not in excess of FS limit, and if family or child's resources exceed FS limit, their ineligibility results (42-207.1, 8/5/99)
- 091-3C \$3000 property limit for AU which contains a member 60 years or older, or a disabled member (eff. 10/1/02), and \$2000 for other AUs (Handbook 42-207.2; ACIN I-56-02)
- 092-1 Rule in effect from 1/1/98-6/30/98: Property must be actually available to be counted in determining eligibility (42-201.1; W&IC 11155; ACL 97-66)
- 092-3 Obsolete: 1/1/1998; restored 7/1/98: Nonexcluded real property that AU is making good faith effort to sell is exempt for nine months; lien placed on property (42-213.12; W&IC 11155; ACL 97-66)
- 092-4 Rule in effect except from 1/1/1998-6/30/98: Presumption that those who share title have equal property rights may be overcome (42-205.2; W&IC 11155; ACL 97-66)
- 093-3 Owner of property based on legal title, possession, use, control, and ability to sell, repealed from January 1-June 30, 1998 (42-203.3; W&IC 11155; ACL 97-66)
- 093-4 Real property can be transferred only by operation of law, or by a writing (Civ. C. 1091, 1624(a))
- 093-6 Transfers of property can be made orally; when effective (Civ. C. 1052-1055)

## ParaReg Headnotes

### 000-199 CalWORKs

- 094-1 Partially Obsolete: 1/1/98 Old rule: Definition of "net market value" of real and personal property, real property definition reinstated 7/1/98 (42-203.7; W&IC 11155; ACL 97-66)
- 094-2 Rule in effect except from 1/1/98-6/30/98: Valuation of real property (42-215.1, .2; *Sidwell v. McMahon*; ACL 90-27)
- 094-3 Value of nonexempt real property is equity value, except for vehicles (63-501.12)
- 095-1 Rule in effect except from 1/1/98-6/30/98: Home is excluded property (42-213.3; W&IC 11155; ACL 97-66)
- 095-2 Old rule for personal property; rule for real property except from 1/1/98-6/30/98: Stepfather's separate and community property is exempt (42-213.11e., 42-213.2p.; W&IC 11155; ACL 97-66)
- 095-3 Rule in effect except from 1/1/98-6/30/98: Real property of father excluded when mother and father not married, not living together, and child not legitimized by father (42-213.11d.; W&IC 11155; ACL 97-66)
- 095-5 Old rule: 1/1/98-6/30/98 Exclusion from resources of home and surrounding property (63-501.3(a), ACL 97-66)
- 095-6 Rule in effect, 1/1/98-6/30/98: Exemption of property producing income consistent with fair market value (63-501.3(d), ACL 97-66)
- 095-8 Rule in effect, 1/1/98-6/30/98: Exclusion of resources such as security deposits, property in probate, real property listed for sale (63-501.3(i)(2)-(4), ACL 97-66)
- 095-11 Rule in effect, 1/1/98-6/30/98: Inaccessible resources of women in shelter for battered women (63-501.3(m), renumbered to 63-501.3(n), ACL 97-66)
- 095-12 Income of nonhousehold members such as SSI recipients does not count (63-503.45)
- 096-2 Conversion occurs when property is changed from one form to another (42-203.10)
- 096-3 CalWORKs transfer of asset rules remains unchanged. Under QR/PB period of ineligibility begins at beginning of upcoming payment quarter. (ACL 03-18)
  
- 100-1 GAIN renamed (W&IC 11320)
- 100-3 County duty to put its discretionary standards in writing (21-115; Handbook 11-501.3; ACL 00-08, 02-03)
- 100-4 County must submit plan to CDSS, which requires CDSS certification (W&IC 10532(a), (b))
- 100-5A Definition of "appraisal" and county informing requirements (42-711.521, .522)
- 100-6 Definition of "reappraisal" (W&IC 11326; ACL 97-72; 42-711.71)
- 100-7 Definition of "assessment" and what assessment includes (ACL 97-72; W&IC 11325.4, .7, .8; 42-711.551, .554)
- 100-8 Definition of "evaluation" (W&IC 11325.25(a); 42-711.58)
- 100-9 Definition of "adult basic education" (42-702a.(1))
- 100-10 Definition of "community service" (42-701.2c.(3))
- 100-11 Definition of "doctor" (42-701.2d.(2))
- 100-12 Definition of "employment" (42-701.2e.(1))
- 100-13 Definition of "work experience" (42-701.2w.(1))
- 100-14 Definition of "enrollment" (42-702.3)
- 100-15 Definition of "subsidized employment" (42-701.2s.(2))
- 100-18 Changes in WTW participation requirements and plan; implemented by ACL (ACL 04-41, SB 1104)
- 100-18A Implementation timelines for SB 1104 WTW changes (ACL 04-41; SB 1104)

## ParaReg Headnotes

### 000-199 CalWORKs

- 101-1 Minimum hours of participation for WTW recipient in single person AU (W&IC 11322.8(a); 42-711.411, .412, .413)
- 101-2 Minimum hours of participation in WTW-U situations (W&IC 11322.8(b); ACL 97-72; 42-711.421)
- 101-2A Minimum hours of WTW participation; core and non-core activities defined (42-701(c)(4), (n)(1)); ACL 04-41; W&IC 11322.8(a-c)
- 101-2B In two-parent AU, one parent must participate a minimum of 20 hours per week (ACL 04-41)
- 101-2C Participation in vocational education and training as core activity limited to 12 months (ACL 04-41)
- 101-3 When 2 parents in AU, parents must participate 55 hours per week in WTW to receive federally funded child care (ACL 97-72; 42-711.422)
- 101-6 CDSS has identified post-assessment WTW county policies which are contrary to state requirements because they are based on generalized policies, rather than individualized assessments (ACL 02-03)
- 101-7 Post-assessment WTW assignments must consider the individual's educational level, employment experience, relevant employment skills, available program resources and local labor market opportunities (ACL 02-03; W&IC 11325.22(b))
- 101-8 Requirement to advise WTW participants of right to a third party assessment, and county duty to refer if the participant indicates dissatisfaction with the assessment (ACL 02-03; 42-711.522(c)(5), 42-711.556)
- 101-9 Program requirements that may be waived because of domestic abuse (42-715.51)
- 101-9A Counties must have written domestic abuse policies (ACIN I-02-06)
- 101-9B County must allow a domestic violence victim to self-declare; county may waive SIP rules for domestic violence victims (ACIN I-02-06)
- 102-1 All nonexempt persons must participate in WtW (W&IC 11320.3(a); 42-712.1)
- 102-2 Exemption for persons under 16 (W&IC 11320.3(b)(1); 42-712.411)
- 102-3 Full-time school attendance of child generally qualifies for exemption from WTW; Exemption extended if child plans further training or education (W&IC 11320.3(b)(2), 11325.3(d), 11325.25; ACL 97-72; 42-712.421; 42-721.422)
- 102-4 Exemption from WTW based on disability (W&IC 11320.3(b)(3)(A); 42-712.44)
- 102-5 Exemption from WTW based on advanced age, which is 60 per CDSS (W&IC 11320.3(b)(3)(B); ACL 97-72; 42-712.43)
- 102-6 Exemption from WTW based on nonparent caretaker relative caring for a child (W&IC 11320.3(b)(4); 42-712.45)
- 102-7 Exemption from WTW based on care of an ill or incapacitated household member (W&IC 11320.3(b)(5); 42-712.46)
- 102-8 Exemption from WTW based on care of child under 6 months of age (W&IC 11320.3(b)(6)(A); 42-712.47)
- 102-8A Factors to be considered in extending exemption for care of child less than 6 months old (W&IC 11320.3(b)(6)(A)(iii); 42-712.472(b)(1))
- 102-9 Exemption from WTW based on pregnancy (W&IC 11320.3(b)(7); 42-712.48)
- 102-9A Exemption from WTW based on full-time VISTA status (42-712.49)
- 102-10 Denial of claimed exemption from WTW on any basis (W&IC 11320.3(b))
- 102-11 County duty to review for temporary exemption from WTW activities, and recipient duty to cooperate in providing information (W&IC 11320.3(f); 42-713.1)

## ParaReg Headnotes

### 000-199 CalWORKs

- 102-13 Most learning disability persons can participate in WTW but some may be exempt if verification by health care professional is provided (ACL 01-70; 42-712.44, 42-701.2(d))
- 103-1 Recipients attend orientation and appraisal, and participate in job search and job club activities (W&IC 11320.1(a))
- 103-2 Requirement to enter into WTW plan after assessment (W&IC 11325.21; 42-711.61)
- 103-3 Plan requirements (W&IC 11325.21(c), .22, 11323.2; ACL 97-72; 42-711.6)
- 103-3A Generally, non-exempt individual enters welfare-to-work plan after assessment (42-711.6)
- 103-3B Individual may enter welfare-to-work plan 90 days after job search if job search initiated within 30 days after eligibility established (42-711.621, .622)
- 103-4 Upon completion of job search, participant is assigned to welfare-to-work activities (42-716.1, .11)
- 103-4A Unless otherwise exempted or excused, individuals must participate for a minimum average of 20 hours per week in specified core activities (42-716.2, 21 and .211)
- 103-4B After participating in at least 20 hours weekly in specified core activities, the remaining hours may consist of any listed welfare-to-work activities (42-716.22)
- 103-4C Specified non-core hours can count as core hours (42-716.23)
- 103-4D Additional conditions on counting hours spent in non-core activities as core hours (42-716.24)
- 103-6 Civil rights laws require changes to treatment of persons with learning disabilities in WTW; seven significant changes outlined (ACL 01-70)
- 103-6A Definition of "learning disabilities" (ACL 01-70, 04-48; 42-701.2(l)(2))
- 103-6B Definition of "screening" (ACL 01-70)
- 103-6C Definition of "reasonable accommodations"; judgments must be specific to individual's needs, and free of cost (ACL 01-70)
- 103-6D New WTW participants must be offered screening no later than assessment (ACL 02-64)
- 103-7 County responsibilities when person is identified with a learning disability (ACL 01-70)
- 103-8 Responsibility to screen new and current WTW persons for learning disabilities; how participants with LEP are treated (ACL 01-70, 02-64)
- 103-8A Counties must offer a screening for learning disabilities at first welfare to work contact (42-722.11, 13; ACL 04-48)
- 103-8B Participants who request a learning disabilities screening must be screened before assignment to welfare to work activity (42-722.14; ACL 04-48)
- 103-8C Counties must evaluate limited English proficient participants for learning disabilities (42-722.15; ACL 04-48)
- 103-9 No sanction if person declines learning disabilities screening or evaluation, but county must inform person of consequences (42-722.21, .22; ACL 04-48)
- 103-10 Referral process for evaluation of persons with suspected learning disabilities (42-722.41, .42; ACL 04-48)
- 103-10A Participants found to have potential learning disabilities and agree to evaluation must be evaluated for learning disabilities before assessment (42-722.44, .45; ACL 04-48)
- 103-10B Counties must offer learning disabilities screening to exempt volunteers and working welfare to work participants; participants screened only once, not annually (ACL 04-48)
- 103-11 County duties when it receives learning disabilities evaluation (ACL 01-70)
- 103-12 Person with learning disabilities' right to appeal, file discrimination (ACL 01-70; 42-711.582, 21-203)
- 103-13 Determining whether job search should be the first WTW activity (ACL 01-70; 42-711.53)
- 103-15 Most learning disability persons can participate in WTW but some may be exempt if verification by health care professional is provided (ACL 01-70; 42-712.44, 42-701.2(d))

## ParaReg Headnotes

### 000-199 CalWORKs

- 104-1 Specific failures or refusals which will lead to a sanction (W&IC 11327.4(a); 42-721.22)
- 104-2 Good cause for failure or refusal to comply with program requirements (W&IC 11320.31, 11327.9; 42-721.311-.317, 42-721.32)
- 104-3 Disqualification period applies only to noncomplying person; length of disqualification (W&IC 11327.5(c), (d); 42-721.43, ACL 06-27)
- 104-3A New recommended WTW 26 form for good cause determinations (ACL 03-59)
- 104-3B Required WTW 27 form explaining good cause determinations to recipients (ACL 03-59)
- 104-3C Any WTW sanction ends when non-complying individual complies (W&IC 11327.5)
- 104-3D County must use curing process in ACL 03-59 on all sanctions and notify individual of that process (ACL 06-27)
- 104-4 No instance of noncompliance if good cause established, or if no good cause but person agrees to, and fulfills, compliance plan (W&IC 11327.4(f), (g); 42-721.28)
- 104-4A Required WTW 32 form to explain compliance plans to avoid sanction (ACL 03-59)
- 104-4B When recipient considered to have complied with WTW (ACL 03-59)
- 104-4C Recipient may suggest activity for compliance process (ACL 03-59)
- 104-4D Instance of noncompliance counted if compliance corrected after 20-day period (ACL 03-59)
- 104-4E NA840A required notice to inform of county determination re good cause claim (ACL 03-59)
- 104-5 Requirements of 30-day advance notice, and scheduling of appointment within 20 days of notice, after county determination of no good cause for WTW failure or refusal to participate (W&IC 11327.4(b); 42-721.23, .24))
- 104-5A Lack of contact with or from person proposed to be sanctioned results in sanction (W&IC 11327.4(c), (d); 42-721.25, .26)
- 104-5B New NA 840 requirements for county (ACL 03-59)
- 104-6 Sanction procedures for second parent in a two-parent assistance unit (ACL 04-47)
- 104-6A Second parent may not receive exemption for caring for ill/incapacitated person or child under six months when first parent has been sanctioned (42-721.45, .453)
- 104-7 Rules regarding curing a sanction prior to quarterly reporting (ACL 03-59)
- 104-7A Rules regarding curing a sanction beginning with quarterly reporting (ACL 03-59)
- 104-8 Good cause for not participating in WTW activities (42-713.2)
- 104-9 Federal law prohibits sanctioning single parent with child under six if no child care available (ACL 03-59)
- 105-1 General rules for SIP participation; most graduate students excluded from SIPs (W&IC 11325.23; ACL 97-72, 99-32; 42-711.541, .542)
- 105-2 Instances in which an SIP will lead to employment (W&IC 11325.23(a)(3)(A), (B); 42-711.543; ACL 99-32)
- 105-2A County must establish criteria for approving proposed SIPs not on County list, and making criteria known to participants (ACL 99-32; 42-711.543(b))
- 105-3 SIP participant may be required to participate in work activities if SIP does not require 32 weekly hours of participation but work activities should not interfere with SIP (W&IC 11325.23(a)(3)(C), 11320.31(f), 11322.8; 42-711.544; ACL 99-32)
- 105-3A When county and participant disagree on meeting 32-hour SIP requirement, participant may have independent assessment and then a state hearing if there has been a referral to an independent assessor, or a state hearing immediately if there has been no referral (42-711.556, 42-711.557; ACL 99-32)
- 105-3B Special classes or tutorials necessary for learning disabled SIP participant count towards 32-hour weekly participation requirement (ACL 99-32; 42-711.58, 42-711.544)

## ParaReg Headnotes

### 000-199 CalWORKs

- 105-4 "Enrolled" defined for SIP purposes (42-711.541, .547, .549; ACL 99-32)
- 105-5 SIP cannot be denied solely because it cannot be completed within the individual's WTW activity time period (ACL 99-32; 42-711.541)
- 105-6 Recipients in certain unapprovable SIPs must be given the chance to complete the quarter or semester, and can receive supportive services during that time (ACL 99-32; 42-711.547)
- 105-7 WTW supportive services can be denied or reduced because of receipt of financial aid only when participant agrees financial aid is available (42-750.332; ACL 99-32)
- 105-8 County must provide notice if it denies continuation in an SIP (42-711.524)
- 105-9 Twenty-hour core activity requirement does not apply to SIPs (ACL 04-41)
- 106-1 Mandatory supportive services which are necessary for participation must be provided, or good cause for nonparticipation exists; all but child care shall be advanced; recipients do not need to use their income, disregards or grant (ACL 00-54; W&IC 11323.2, 11325.23(d), 11323.4(a); 42-750.1)
- 106-1A No caps or limits on supportive services, but secondary review permitted; optional services may be different for pre-time limit and post-time limit recipients (ACL 00-12; 42-750.11)
- 106-2 Reimbursement for supportive service travel costs (W&IC 11323.2(a)(2); ACL 97-72, 00-54; 42-750.112)
- 106-2A Payment for transporting children may be an allowable travel cost (ACL 00-54)
- 106-3 Allowable ancillary expenses (W&IC 11323.2(a)(3); 42-750.113)
- 106-3A Policies regarding ancillary services (ACL 04-04)
- 106-4 When personal counseling is allowed (W&IC 11323.2(a)(4); 42-750.114)
- 106-5 County responsibility to administer Stage One child care, and to transition family to Stage Two as quickly as possible (ACL 97-73; W&IC 11323.6, .8; Educ. Code 8351)
- 106-5A Other agencies responsible to administer Stage Two child care, but county to transition family to Stage Two as quickly as possible (W&IC 11323.8; Educ. Code 8353(b))
- 106-7 WTW supportive services can be denied or reduced because of receipt of financial aid only when participant agrees financial aid is available (42-750.332; ACL 99-32)
- 106-8 Requirements for reimbursement of WTW transportation costs; right to obtain retroactive transportation costs back to 1/1/98 (ACL 01-50)
- 106-8A County must reimburse individual using private vehicle if round-trip travel using public transportation exceeds two hours (ACL 03-15)
- 106-8B County required to reimburse necessary transportation costs for each approved WTW activity (ACL 03-15)
- 106-8C County must reimburse transportation costs for approved WTW activities even if cost seems excessive (ACL 03-15)
- 106-8D County must reimburse participant for vehicle transportation costs even if vehicle is not registered to participant (ACL 03-15)
- 106-8E County must reimburse volunteers for supportive services, including transportation (ACL 03-15)
- 106-9 County must provide supportive services to recipient curing sanction (ACL 03-59)
- 106-10 Modification of rule: Counties may correct supportive services underpayments or overpayments, but may not offset a child care overpayment against the CalWORKs grant without the recipient's permission (W&IC 11323.4(b); ACL 97-73; 42-751.11, 42-751.4(d), (e))
- 106-10A When overpayment collection of transportation and ancillary support services is appropriate; methods of collection (42-751.1, .3, .4)
- 106-10B County duty to calculate overpayment, and may use recovery methods concurrently (42-751.2)
- 106-10C Requirement to initiate recovery of overpayment within 30 days of its discovery, and requirements of notification (42-751.4(c))



## ParaReg Headnotes

### 000-199 CalWORKs

- 106-11 Erroneous child care payment made to good-faith provider of child care services when no recipient eligibility for CalWORKs shall be recouped from participant, not provider (ACL 97-73)
- 106-13 Available mental health services (W&IC 11325.7(c); 42-716.411-.415)
- 106-16 Required substance abuse treatment services (W&IC 11325.8(a); 42-716.51)
- 106-17 Participants with substance abuse problems shall have their WTW plan based on a professional evaluation (42-711.571)
- 106-18 Requirement under Civil Rights laws to be nondiscriminating and provide equal access to people with disabilities, under Title II of ADA and California FEHA (ACL 01-42)
- 106-20 Definition of grant-based OJT (42-701(g)(2))
- 106-21 Requirement to meet with recipient, and give recipient form to sign, with respect to grant-based OJT ramifications (42-716.71)
- 107-1 Major program requirements of Cal-Learn (42-762.2)
- 107-4 Pregnancy CalWORKs benefits and the pregnancy special need payments during first two trimesters for Cal-Learn participants (42-762.7, 42-763.114)
- 107-6 Counties must provide notice to teens erroneously not enrolled in Cal-Learn and issue aid for the bonuses which the teen would have received if enrollment had occurred, and also modify 18- and 24-month time clock (ACIN I-10-02)
- 108-1 Due process and hearing rights continue under WTW (W&IC 10950; ACL 97-73)
- 108-2 WTW participants entitled to hearings, and in most cases to grievances (W&IC 11327.8(a); 42-721.51)
- 108-2A Limited rights of appeal when independent assessment is required (W&IC 11327.8(b), 11325.4(c)(1); 42-711.556)
- 108-3 Right to appeal from grievance, but requirement to participate during grievance procedure if sanction is not to be imposed (W&IC 11327.8(b); 42-721.511 (e) and .512(e))
- 108-4 Right to appeal on-the-job working conditions, or worker's compensation related matters, to federal as well as state government (W&IC 11327.8(c), 10960, 10962; 42-721.511(b) and (d))
- 108-5 Recipient hearing rights in good cause/compliance/sanction actions (ACL 03-59)
- 108-5A Recipient hearing rights in good cause/compliance/sanction actions (ACL 03-59)
- 108-7 U.S. Supreme Court analysis of abuse of discretion (*Motor Vehicle Mfrs. Ass'n v. State Farm Mutual.*)
- 108-7A Review standards for abuse of discretion in California (Asimow, Michael, 42 UCLA L.R. 1157)
- 108-8 Person with learning disabilities' right to appeal, file discrimination (ACL 01-70; 42-711.582, 21-203)
- 109-1A "WtW Grant program" defined (42-701.2(w)(1))
- 109-5 No caps or limits on supportive services, but secondary review permitted; optional services may be different for pre-time limit and post-time limit recipients (ACL 00-12; 42-750.11)
- 109-6A Single parents must participate for 32 hours per week, and parents in a two parent AU must participate for 35 hours (42-711.4)
- 109-6D County community service plan must not routinely require participation in WTW activities (ACL 99-111)
- 109-6E Individuals may develop a self-initiated community service plan, but plan may be rejected if inconsistent with the individual's WTW plan, or if it does not conform to statutes, regulations, or policies governing community service (ACL 99-111)
- 109-6F Child care services must be provided to community service participants, and if other services necessary to participation are not provided, a recipient will have good cause for nonparticipation (ACL 99-111; 42-750)

## ParaReg Headnotes

### 000-199 CalWORKs

- 109-7 Definitions of "no job is currently available" (42-710.5)
- 109-8 Retrospective adjustment of time clock for persons with learning disabilities who have been improperly evaluated (ACL 01-70)
- 109-9 Changes in WTW participation requirements and plan; implemented by ACL (ACL 04-41, SB 1104)
- 109-9A CalWORKs 18- and 24-month time limits eliminated (ACL 04-41; W&IC 11454)
- 109-9B WTW participants who are assigned to community service before December 1, 2004, must continue in that plan until amended plan is developed (ACL 04-41)
- 109-17 Counties must provide information, if requested, of cumulative countable months on aid, exempt months, and remaining months, for 60-month eligibility purposes (40-107.146)
- 109-18 State regulations provide that at time aid is approved, the county must notify the applicant of the "cumulative number of countable months that the recipient has received aid", the months that were exempt from the 60-month time limit, and the remaining number of months the recipient may be eligible for aid (40-107.141)
- 109-19 Requirements to issue NOA at redetermination of aid, and contents of NOA (40-107.142)
- 109-19A Despite regulatory requirements of 40-109.142, CDSS says counties are not required to send mandated NOA in 54th countable month; new regulations clarify county responsibilities (ACIN I-47-02; 40-107.14, eff. 4/9/03)
- 109-20 Timed out adult is one who has been removed from AU because of 60-month time limits (82-833.1)
- 109-21 Adult who received TANF/CalWORKs for 60 months from 1/1/98 and forward is generally ineligible for CalWORKs (42-301.1, 42-302.1)
- 109-21A Exceptions to general 60-month time limit for adults (42-302.11, .12)
- 109-21B Specific exception to general 60-month time limit for adults based on inability to maintain employment or participate in WTW activities (42-302.114)
- 109-22 All whole or partial months in which an adult receives a cash grant count toward 60-month time limit, unless an exempt or diversion month (42-302.2)
- 109-23 "Exempt" months for purposes of 60-month time limit (42-302.21)
- 109-23A Unticking the 60-month clock because of child support recoupment (ACL 02-74; 42-302.21(g))
- 109-23B Unticking the 60-month clock because of overpayment repayment (ACL 02-74)
- 109-24 "Non-countable" months for purposes of 60-month time limit when a diversion payment is received (42-302.22)
- 109-25 Requirement to notify recipients of 60-month time limit (ACL 02-33; 40-107.141-.149)
- 109-26 Recipient can request an exemption/exception to 60-month time limit (42-302.3)
- 109-27 Form for requesting an exemption/exception to 60-month time limit (42-302.31)
- 109-28 Notice required when recipient has requested an exemption/exception to 60-month time limit; county responsibilities to research (42-302.32, .33)
- 109-29 Pre-4/9/03 notice requirements when exemption/exception request is approved or denied (42-302.34)
- 109-29A NOA requirements when approving or denying a request for exception or exemption to 60-month limit (42-302.34)
- 109-30 Treatment of income and needs of adult removed from AU due to exceeding 60-month CalWORKs limit (44-133.8)
- 109-31 Record retention requirements for CalWORKs time limits (ACIN I-29-03)

## ParaReg Headnotes

### 000-199 CalWORKs

- 120-1 Special rules regarding responsible county when a child moves from one county to another (40-190.222, formerly 40-187.222)
- 120-2 Old rule: CDSS position as to persons whose income is considered in determining eligibility and grant (ACL 97-59, 44-133.5, as revised 7/1/98)
- 120-3 In zero basic grant cases, instances when AU is considered to have received a cash aid payment (44-315.9, 7/1/98)
- 120-4 In transition from FC to Kin-GAP, FC payment shall not reduce KIN-GAP payment in first month (ACL 00-09)
- 121-1B Computation of grant and determination of eligibility for all AUs (W&IC 11451.5, 11450.12, 11450 (a), (e), 11452; ACL 97-59; 44-113.213-.217, 44-207.1, .2)
- 121-1C Computation of CalWORKs grant, general (ACL 97-59; W&IC 11451.5, 11450.12; 11450(a), (e), 11452; 44-315.31-.37, 44-113.213-.217)
- 121-1D Needs of parents and caretaker relatives not considered if preschool children have not received immunization (W&IC 11265.8(a); ACL 97-70; 40-105.4(c), (g))
- 121-1E No grant issued for less than \$10 (44-315.5)
- 121-2 Under MR/RB prospective and retrospective budgeting principles (44-313.1, .2 prior to QR/PB)
- 121-2A Guidelines for establishing income in beginning months (ACL 92-107; 44-313.1)
- 121-3 Under MR/RB discontinuous income not counted in third and fourth payment periods (44-313.31 prior to QR/PB)
- 121-5 Under MR/RB, income of person added to AU to be budgeted prospectively (44-313.41 prior to QR/PB)
- 121-6 Definition of "month" in alternate payment system (44-313.51)
- 121-7 Under MR/RB, suspension when ineligibility is for one month only (44-315.81 prior to QR/PB)
- 121-8 Under MR/RB, retrospective budgeting used following suspension unless significant change in circumstances (44-315.82, .83 prior to QR/PB)
- 121-9 Under MR/RB, exempt or nonexempt AU status retrospectively budgeted after beginning four months of aid (89-110.282, .283, .293 prior to QR/PB)
- 121-10 In beginning months, AU is entitled to exempt MAP if it meets exempt qualifying conditions at any time during month (89-110.27, .28, .291)
- 122-1 Beginning date of aid (44-317.11)
- 122-2 Beginning date of aid (newborn is added to AU) (44-317.22; 82-836.1, 88-410)
- 122-3 Initial payment for addition of child or needy relative into the AU (44-319.13)
- 122-4 Proration of the grant when the beginning date of aid is after the first of the month; method of proration (44-315.72)
- 122-8 County duty to withhold action on application if it appears that eligibility will exist within 60-day period (40-171.11)
- 122-11 Under MR/RB, beginning date of aid for new AU member (44-318.1 prior to QR/PB)
- 122-11A Under QR/PB, beginning date of aid rules for new AU member (44-318.11-.16 effective July 1, 2004)
- 122-11B Under QR/PB, beginning date of aid for unaided father of pregnant woman who receives aid as an AU of one (44-205.122)
- 122-12 Beginning date of aid (transfer from AFDC-FG to AFDC-Foster Care or vice versa) (44-317.623)
- 123-3 Immediate need can be issued if there is apparent eligibility (40-129.21)
- 123-4 Amount of immediate need payment (40-129.23)
- 123-5 Completion of immediate need application process (40-129.91)
- 123-6 Immediate need aid payment rules (40-129.2-.4, .9)

## ParaReg Headnotes

### 000-199 CalWORKs

- 124-1 Warrant to be paid to caretaker relative with whom the child is living; exceptions (44-305.12)
- 124-3 County option for monthly or semimonthly payment system (44-304)
- 124-4 Replacement warrant must be issued within five working days after county receives affidavit of loss or nonreceipt (Handbook 25-330.6; Gov. Code 29853.5(a), (b))
- 124-4A CDSS policy to allow counties not to issue replacement warrants contradicts statutory language and legislative policy (Beverly v. Anderson; Gov. C. 29853.5(a), (b))
- 124-4B Reissuance of public assistance warrant, or electronic fund transfer, is required under terms of Gov. Code 29850-29854 when regulatory requirements as to loss, theft, failure to complete transfer, etc., are met (25-302.1 and .3)
- 124-5 Electronic fund transfer defined (25-302.131)
- 124-6 Any PA recipient may authorize an electronic fund transfer to his/her account (25-301.14)
- 124-7 PA payments cannot include enclosures except those relating to the PA program which issues the payment (25-330.9)
- 124-10 Description of EBT system (Handbook 16-001.1)
- 124-11 EBT system to be used for FS, and may be used for CalWORKs (16-001.2, .3)
- 124-12 EBTs to be issued in compliance with regulatory guidelines (16-215.1)
- 124-13 County must give toll-free number to report stolen or lost EBT, and issue replacement EBT within 3 business days (16-515.1, 16-517.1)
- 125-3 MBSAC amount (Handbook 44-315.311(a)) [NOTE: Please submit worksheet]
- 125-3A MBSAC amount in Region 1 counties (Handbook 44-315.311(a))
- 125-3B MBSAC amount in Region 2 counties (Handbook 44-315.311(a))
- 125-3C Counties are Region 1 or Region 2 as of 1/1/97 (W&IC 11452.018(b))
- 125-4A Old rule: MAP for exempt AUs (Handbook 44-315.311(a))
- 125-4B Old rule: MAP for nonexempt AUs (Handbook 44-315.311(a))
- 125-4C MAP for exempt AUs in Region 1 counties (Handbook 44-315.311(a))
- 125-4D MAP for nonexempt AUs in Region 1 counties (Handbook 44-315.311(a))
- 125-4E MAP for exempt AUs in Region 2 counties (Handbook 44-315.311(a))
- 125-4F MAP for nonexempt AUs in Region 2 counties (Handbook 44-315.311(a))
- 125-4G MAP COLA for July 2005 only, not for August 2005 through June 2007 (ACL 05-18)
- 125-5 Old rule: 185% MBSAC amount pre-1/1/97 (Handbook 44-207.113, repealed 7/1/98; ACL 97-59; AB 1542) [NOTE: Please submit worksheet]
- 125-6 Financial eligibility test under QR/PB (44-207.21 effective July 1, 2004)
- 125-8 Old rule: Financial eligibility based on estimated income (44-207.33, renumbered 44-207.23, 7/1/98; AB 1542; W&IC 11450.12; ACL 97-59)
- 125-8A In QR/PB, once financial eligibility established, continues for quarter unless income exceeds IRT and anticipated income will exceed MAP for remainder of quarter (44-207.23 effective July 1, 2004)
- 125-11 County shall rescind financial ineligibility discontinuance if estimated/reasonably anticipated net income is not received (44-207.24)
- 125-12 Under MR/RB, income from person deleted from AU is not retrospectively budgeted (44-313.42 prior to QR/PB)
- 125-12A Under QR/PB, income from person deleted from AU is not prospectively budgeted unless person remains in AU and has available income (44-313.42)
- 125-13 Applicants receive only a \$90 deduction from each member's earned income in establishing financial eligibility in accord with the MBSAC (W&IC 11450.12; ACL 97-59; 44-207.1)

## ParaReg Headnotes

### 000-199 CalWORKs

- 125-14 Computation of grant and determination of eligibility for all AUs (W&IC 11451.5, 11450.12, 11450 (a), (e), 11452; ACL 97-59; 44-113.213-.217, 44-207.1, .2)
- 125-14A Kin-GAP child is treated as recipient, not applicant (ACL 99-97)
- 125-15 MAP for Kin-GAP is basic FC rate in county where guardianship was established (ACL 99-97)
- 125-16 Needs of those persons considered in family MAP or MBSAC (44-133.52, revised 7/30/99)
- 126-1 Minor parent not exempt cannot be payee unless adult living in home refuses to accept that duty (89-201.4, .41)
- 126-2 Vouchers or vendor payments required when parent or caretaker relative subject to a minimum sanction of at least 3 months (W&IC 11453.2; 44-307.12; ACL 97-66)
- 126-3 Voucher/vendor payments required if excluded AU parent or caretaker is drug felon, but not if fleeing felon (ACL 97-66; W&IC 11251.3, 11486.5; 44-307.11)
- 126-4 Definition of vendor payments; when vendor payments are applicable (44-303.3)
- 126-5 Counties can issue vouchers or vendor payments in addition to mandated ones, if necessary in best interest of children (44-307.31)
- 128-1A AUs not subject to MAP reductions, i.e., exempt AUs (W&IC 11450.019)
- 128-1B CDSS interpretation of exempt MAP status as of 1/1/98 (ACL 97-59; 89-110.225, .24)
- 128-3 When AU must request exempt status, AU cannot be exempt prior to month county "receives" request (89-110.271; ACL 96-28)
- 128-5 Exempt or nonexempt AU status retrospectively budgeted after beginning four months of aid (89-110.282, .283, .293 prior to QR/PB) Exempt or nonexempt status reasonably anticipated under QR/PB (89-110.28, .29 effective July 1, 2004)
- 128-6 County must make exempt status determination by 16th calendar day following AU request, when request made 9/1/96 or later (ACL 96-28)
- 128-7 Definition of caretaker relative; degree of consanguinity required (80-301c., 82-808.1)]
- 128-8 In beginning months, AU is entitled to exempt MAP if it meets exempt qualifying conditions at any time during month (89-110.27, .28, .291 prior to QR/PB)
- 128-11 Determination of exempt AU status when minor parent resides with senior parent (ACL 97-17)
- 129-1B When income is "reasonably anticipated" so that it can be considered for eligibility and grant/allotment purposes. (ACL 03-18, 44-315.311)
- 129-1D When AU is financially eligible during QR Payment Quarter (44-207.211, .212)
- 129-1E Prospective budgeting under QR/PB (44-313.1, .121 effective July 1, 2004)
- 129-1F At application, applicant test applied using actual income for initial month only (ACIN I-84-03)
- 129-1G Documentation and case narrative needed to verify how reasonably anticipated income calculated (44-313.111)
- 129-1H County duty to resolve discrepancies from QR 7 during QR 7 Reporting Period (44-316.231)
- 129-2 Weekly income multiplied by 4.33, biweekly income multiplied by 2.167. (44-315.315)
- 129-2A Circumstances where county may use 2.167 or 4.33 conversion factors (44-315.315(a), (c))
- 129-3 For fluctuating income, county must average income over the QR payment quarter. Steps listed for county to determine monthly average income. (ACL 03-18)
- 129-4 Actual CalWORKs grant used to compute food stamp allotment (63-509(a)(4)(A)5.)
- 129-5A Under QR/PB, reasonably anticipated income is not reconciled with actual income in first two months. (ACL 03-18)
- 129-6 Under QR/PB, county may consider income from previous quarter to determine if income is reasonably anticipated in upcoming quarter; uncertain income not counted (44-315.312-.313)
- 129-6A Under QR/PB, county duty to determine if income in data month is same or different than anticipated income in QR Payment Quarter (44-315.314)

## ParaReg Headnotes

### 000-199 CalWORKs

- 129-6B Under QR/PB, averaging reasonably anticipated income over the QR Payment Quarter (44-315.316)
- 129-6C Under QR/PB, income of new person added to AU prospectively budgeted (44-313.41 effective July 1, 2004)
- 129-7 Under QR/PB, county calculation of changes in grant amount for remainder of QR Payment Quarter (44-315.317)
- 129-8 Under QR/PB, county must act on specified changes mid-quarter (44-316.31-.33)
- 129-9 Under QR/PB, county must act on mid-quarter voluntary reports that increase aid, but not those that decrease aid except for voluntary request for discontinuance (44-316.31)
- 129-9A Under QR/PB, county must recalculate aid mid-quarter on verified decreases in income and must issue supplement (44-316.311 and .312(a)(4))
- 129-9B Under QR/PB, county must determine eligibility mid-quarter of new person reported in home (44-316.312(a) and (b))
- 129-9C Under QR/PB, beginning date of aid for new person reported in home mid-quarter (44-316.312(c)-(e))
- 129-9D Under QR/PB, voluntary request for discontinuance of aid mid-quarter (44-316.313)
- 129-9E Effect of person moving into the home with income that causes assistance unit/household to be financially ineligible. New person ineligible for Medi-Cal. (ACL 03-18)
- 129-10 Under QR/PB, mandatory mid-quarter reports include drug/fleeing felons, parole violations, income in excess of IRT and address changes (44-316.321 and .322)
- 129-10A Under QR/PB, AU must report income in excess of the IRT at any time during the QR Payment Quarter (44-316.324(a) and (b))
- 129-10B IRT levels (44-316.32 Handbook))
- 129-10C Under QR/PB, if income in first or second month of quarter continues to exceed IRT, county must discontinue cash aid with timely and adequate notice (44-316.324(c) and (d))
- 129-10D Under QR/PB, when income in excess of the IRT income will continue from third month of QR Payment Quarter (44-316.324(c)(2))
- 129-11 Under QR/PB, county initiated mid-quarter actions listed (44-316.33)
  
- 130-1 Unearned income is all income which is not earned, or disability-based unearned (W&IC 11451.5(c), revised 7/30/99)
- 130-3 Definitions for purposes of 44-315, of NNI, grant amount, potential grant (44-315.1, revised 7/30/99)
- 130-4 Net income is gross income minus exemptions and disregards; gross income includes earnings by part-time student applicants and current child support payments for non-MFG children (44-207.21)
- 131-1A Rental of rooms, room and board, are self-employment income (44-113.1b.)
- 132-3 Noneducational grants are exempt income when the proceeds are not available to meet current needs (44-111.436)
- 132-4A Loans which are exempt from consideration as income (44-111.437(a))
- 132-5A Title IV and BIA loans and grants are totally excluded as of 7/1/93. (ACL 94-02; ACF-AT-93-8; PL 102-325; 42-213.2c.(2))
- 132-6 Transportation deduction from educational loans and grants (44-111.435)
- 133-1 Treatment of child support payment when received directly by recipient (82-518.2, revised 1/18/00)
- 133-1A \$50 child support disregard continues under TANF and CalWORKs (ACIN I-11-97, I-51-97; 82-518.22)

## ParaReg Headnotes

### 000-199 CalWORKs

- 133-1B Date of wage withholding is date of collection of child support (82-520.2, formerly 82-518.4)
- 133-1C \$50 of current support obligation is disregarded as income or resource (82-520.4, revised 10/1/98)
- 133-2 Treatment of child support when wages withheld (*Vanscoter v. Sullivan*)
- 133-3 Title II child insurance payments are not "child support" (*Sullivan v. Stroop*)
- 133-6 "Excess payments" from child/spousal support are income in CalWORKs, and "pass-on payments" are income in FC (82-520.5, revised 10/1/98, replaced by 82-518.14, 4/1/00)
- 133-7 Child/family and spousal support regulations for CalWORKs and FC (12-425, 43-203, 82-508, 82-518, 82-520; 25-900-925 repealed, eff. 8/12/99)
- 133-8 Record retention in child support (ACL 00-38)
- 134-2 In-kind income; definition (44-101(j))
- 134-3 In-kind income from nonneedy relatives (44-115.21)
- 134-4 In-kind income values are prescribed by regulation (44-115.31)
- 134-4A Different values for in-kind income in Region 1 and Region 2 (Handbook 44-115.311(a))
- 134-5 Right of recipient to provide evidence of actual in-kind income values (44-115.31, .32, .333)
- 134-6 In-kind income in shared living situation based on AU or those whose needs are considered in AU (44-115.33, revised 7/30/99)
- 135-5D Income of excluded parent deemed to AU, but not if parent is sanctioned, a member of a different AU, or in a different aid program, but needs of excluded parent (other than an ineligible alien) only included if parent has income (44-133.51, revised 7/30/99)
- 135-7A Old rule: No income considered available from senior parent to grandchildren (89-201.5, revised 7/1/98, repealed 3/31/03)
- 135-7B Old rule: Grant to minor parent's child(ren), when minor parent is in own AU or in senior parent AU, is greater of grant, per 44-315.3 and MAP of child(ren) (89-201.53, revised 7/1/98 and 3/31/03)
- 135-8 Deeming of senior parent income precluded when parent is 18, lives with senior parent, and does not meet school attendance requirements (*Grimesy v. McMahon*; ACL 87-17; Handbook 44-133.77; ACIN I-58-86)
- 135-9 Deeming rules apply only when the senior parent is in the home and not part of the AU (44-133.73)
- 135-10 Minor parents who are in foster care with their nonrelated legal guardian do not have income deemed to them (*Hager v. McMahon*; ACL 87-129)
- 135-11 Income and resources of sponsor deemed to sponsored alien (43-119.22)
- 135-12 Determination of income deemed to the sponsored alien (44-133.7)
- 135-14 Income when parent or child has been excluded from the AU (44-133.33)
- 135-15 Ineligible alien child's income not deemed to other family members (ACL 92-68; 44-113.141)
- 135-17 Deeming rules for ineligible aliens still apply after 1/1/98 (ACL No. 97-57, 98-17)
- 135-18 Determining income in ineligible alien family member cases (44-133.53; ACL 98-17)
- 136-6 In MR/RB, separate AU during period of ineligibility for someone who was not in AU at the time the lump-sum income was received (44-205.71 prior to QR/PB)
- 136-11 Treatment of lump-sum retirement income (44-113.8; 42-211.257)
- 136-11C Transfer of property or income occurs when transfer is for less than FMV and would have affected eligibility for benefits if transfer had not occurred (42-221.1, revised 8/5/99)
- 136-11D Transfer of nonexempt nonrecurring income which would cause cash aid ineligibility results in POI (42-221.4, revised 8/5/99)
- 136-11E Definition of nonrecurring income for POI purposes (42-221.41, revised 8/5/99)

## ParaReg Headnotes

### 000-199 CalWORKs

- 136-16A "Family" defined for CDSS purposes as including person living in the home as specified in W&IC 11008.14, plus treatment of certain deemed income from aliens; family defined differently for property purposes (ACL 97-59, 98-17; 42-203.8)
- 136-18 Property eligibility is determined once per quarter. Nonrecurring lump sum is considered property in CalWORKs under QR/PB. (ACL 03-18)
- 136-18A Nonrecurring lump sum is considered property in CalWORKs under QR/PB. (42-209.2, 44-101(l) effective July 1, 2004)
- 137-1 All net income of persons included in AU is income to the AU (44-133.1)
- 137-2 Income must be actually available (44-101)
- 137-2A Definition of reasonably anticipated income (44-101(c))
- 137-3 Income which was included in an SSI/CAPI grant computation and the SSI/CAPI grant is excluded (44-133.2, modified 7/1/98, 7/30/99)
- 137-4A Income considered available from mandatorily included persons who are sanctioned or penalized, while these persons' needs (except for those who fail to cooperate with child support), are not considered (44-133.4)
- 137-5 Only exceptions to current availability requirement for counting income (44-102; W&IC 11157)
- 137-5A Availability of income under QR/PB (44-102.1 effective 7/1/04)
- 137-7 Availability of family members' income (W&IC 11008.14)
- 138-2 \$30 limitation per quarter to qualify for exemption for unanticipated income received in prospective months. (44-111.441)
- 138-3 State law exempts as income any child support received for the MFG child (W&IC 11450.04(e))
- 138-3A State regulations exempt as income any child support received by the DA for the MFG child (44-314.62)
- 138-4 Aid payment and income of SSI person not counted. SSI not counted as income for CalWORKs (44-133.21, modified 7/1/98)
- 138-6 Exemption of in-kind income for partial items of need (44-111.452)
- 138-7 First \$50 per month of current child or spousal support is exempt income (44-111.47)
- 138-8 Agency required to distribute \$50 from current support payment (82-520.2, formerly 43-203(b), 82-520.61, as revised 1/28/99)
- 138-12 Kin-GAP recipient is in own AU, and income and aid payment is not available to others; caretaker relative may be in separate AU (W&IC 11450(j), 11371, 11450.16(B); ACL 99-92, 99-97; 90-105.31, 82-820.22)
- 138-13 Deductions allowed from gross income from pensions, and similar sources, for income taxes and other expenses required in order to receive the income (44-113.32; ACL 00-13)
- 138-14 Certain payments made to or on behalf of MFG child for child support are exempt from consideration as income (ACL 01-16; *Kehrer v. Saenz*; 44-314.62, .621)
- 138-15 Child support paid to senior parent on behalf of minor parent is not minor parent income in excluded parent computation set forth in 89-201.514 which regulation was repealed 3/31/03 (ACL 01-15; *Dominika S. v. Saenz*)
- 138-16 Payments for child care costs under 47-420.2 are exempt income (44-111.3f.)
- 138-17 AmeriCorps VISTA, but not other AmeriCorps payments, are exempt income (44-111.61(f); ACIN I-70-02)
- 139-1 Disability based unearned income is SDI, private disability, TWC and SSDI (W&IC 11451.5(b)(2); 44-101.6)
- 139-1A Private disability insurance benefits include privately purchased or employer-sponsored disability insurance, but not non-insurance benefits, e.g., veterans benefits (44-111.612, revised 7/30/99)



## ParaReg Headnotes

### 000-199 CalWORKs

- 139-2 Children's income based on parent's disability is classified as disability-based unearned income and entitles AU to \$225 disregard effective January 1, 1998 (W&IC 11451.5; ACL 98-62)
- 140-1 Modified rule 7/1/98: Definition of earned income (44-101.51; 44-101(e) W&IC 11451.5(b)(2); ACL 97-59)
- 140-6 Definitions for purposes of 44-315, of NNI, grant amount, potential grant (44-315.1, revised 7/30/99)
- 140-7 Net income is gross income minus exemptions and disregards; gross income includes earnings by part-time student applicants and current child support payments for non-MFG children (44-207.21)
- 141-1 Determining income from self-employment (generally) (44-113.212; W&IC 11155.3(c))
- 141-2 Old rule: Expenses not to be deducted in determining income from self-employment (44-113.212(a); W&IC 11155.3(c))
- 141-3 Old rule: Expenses allowable as deductions for self-employed persons (44-113.212(b); W&IC 11155.3(c))
- 141-4 Applicants and recipients can choose either a 40% deduction from self-employment, or deductions allowed in the FS program (W&IC 11155.3(c); 44-113.212(a) prior to QR/PB)
- 141-4A Under QR/PB, applicants and recipients can choose either a 40% deduction from self-employment, or reasonably anticipated deductions allowed in the FS program (44-113.212(a) effective July 1, 2004)
- 141-5 Change between self-employment deduction methods allowed at the earlier of six-month period, or redetermination (44-113.212(b))
- 143-1 EIC is exempt income (44-111.61(l))
- 143-4 Renters credits; senior citizens, homeowners, and renters property tax assistance; exempt as income (44-111.3k., l.)
- 144-6 In MR/RB, separate AU during period of ineligibility for someone who was not in AU at the time the lump-sum income was received (44-205.71 prior to QR/PB)
- 144-15A "Family" defined for CDSS purposes as including person living in the home as specified in W&IC 11008.14, plus treatment of certain deemed income from aliens; family defined differently for property purposes (ACL 97-59, 98-17; 42-203.8)
- 144-15C Transfer of property or income occurs when transfer is for less than FMV and would have affected eligibility for benefits if transfer had not occurred (42-221.1, revised 8/5/99)
- 144-15D Transfer of nonexempt nonrecurring income which would cause cash aid ineligibility results in POI (42-221.4, revised 8/5/99)
- 144-15E Definition of nonrecurring income for POI purposes (42-221.41, revised 8/5/99)
- 144-16 Nonrecurring lump sum is considered property in CalWORKs under QR/PB. (42-209.2, 44-101(l) effective July 1, 2004)
- 145-1 All net income of persons included in AU is income to the AU (44-133.1)
- 145-2 Income must be actually available (44-101)
- 145-2A Definition of reasonably anticipated income (44-101(c))
- 145-3 Only exceptions to current availability requirement for counting income (44-102; W&IC 11157)
- 145-3A Availability of income under QR/PB (44-102.1 effective 7/1/04)
- 145-5 Availability of family members' income (W&IC 11008.14)
- 146-1 Earned income of student under 19 is exempt (44-111.221)
- 146-1A Student earnings exemption applies during vacations or between terms if student intends to return to school (44-111.223)
- 146-2 Earned income of child exempted when participating in JTPA (44-111.211)

## ParaReg Headnotes

### 000-199 CalWORKs

- 146-4 All college work-study program earnings are exempt as income or property (ACL 98-85; 44-111.25)
- 150-1 Definition of overpayment (44-350.15)
- 150-1A Immediate need overpayments occur when applicant does not complete eligibility process (ACL 94-01)
- 150-1B Under QR/PB, overpayment assessed even if county cannot issue 10 day notice following mandatory report (44-350.5 effective July 1, 2004)
- 150-1C Under QR/PB, no overpayment if reasonably anticipated income is different than actual income provided recipient report complete and accurate (44-350.18)
- 150-2 Limitation on the amount of aid pending overpayment when the recipient has reestablished eligibility (ACL 85-35)
- 150-3 Technical overpayments (44-350.151)
- 150-4 Under MR/RB, RISP correctly computed based on reasonable estimate does not result in overpayment (44-350.17 prior to QR/PB)
- 150-4A Under QR/PB, no overpayment for supplemental payment based on reasonably anticipated income if recipient report complete and accurate. (44-350.17 effective July 1, 2004)
- 150-5 Definition of administrative error overpayment (44-350.2(b))
- 150-8 Determination of overpayment when mandatory AU member is discovered in the home (44-355.11-.15)
- 150-11 If child eligible for aid on first of month, child is eligible for entire month (W&IC 11455)
- 150-12 Under MR/RB, no overpayment or underpayment when RISP correctly computed based on reasonable estimate of income (44-402.6 prior to QR/PB)
- 150-13 Establishing CalWORKs overpayments in the QR/PB system. (ACL 03-18)
- 150-13A No overpayment/overissuance or underpayment/underissuance when actual income differs from reasonably anticipated income. (ACL 03-18)
- 151-1 Old rule: Determination of overpayment, generally, nonexcess property cases (44-352.12, pre-4/9/03)
- 151-1A Under QR/PB, an overpayment occurs when AU does not report income or circumstances or county fails to act on reported income or circumstances (44-352.12 effective with July 1, 2004)
- 151-1B Calculation determination of overpayment, generally, nonexcess property cases (44-352.12)
- 151-2A Overpayment computation after 1/1/98 allows earnings disregards even if earnings were reported late, or not at all (ACL 97-67; 44-350.121, revised 7/1/98)
- 151-3 Receipt of aid pending, causing overpayment, is not offset by RISP recipient could have received (Daniels v. McMahon)
- 151-4 Overpayment begins on first date change would have been made based on accurate recipient report regardless of whether the error was caused by county or recipient. (ACL 03-18)
- 151-4A Voluntarily reported changes not considered when determining whether there is an overpayment/overissuance. (ACL 03-18)
- 152-1 Old Rule: Determination of excess property overpayment (44-352.11 revised 4/9/03))
- 152-2 Calculation of excess property overpayment (44-352.11)
- 152-2A Property related overpayment/overissuance only determined based on information that should have been reported on the QR 7. (ACL 03-18)
- 152-2C In QR/PB, excess property overpayments based on information that should have been reported on QR 7 (44-352.111 effective July 1, 2004)

## ParaReg Headnotes

### 000-199 CalWORKs

- 152-2D Under QR/PB, an overpayment exists when a recipient fails to report required property information on the QR 7 or when the county fails to act on property information properly reported on the QR 7 (44-352.111(QR))
- 153-2 Limits on overpayment adjustments (W&IC 11004(c); ACL 97-66; 44-352.41, revised 7/1/98)
- 153-2A Under QR/PB, overpayment recoupment is initiated only at beginning of quarter (44-352.41)
- 153-3A Under QR/PB, grant adjusted at beginning of quarter (44-352.4 effective July 1, 2004)
- 154-1C Priority order to recover overpayments (44-352.31, .33)
- 154-1D "Unlocatable" and "cost effectiveness" defined for priority of overpayment recoupment (44-350.2(l), 44-350.161(b))
- 154-1F Methods for collecting from former AFDC caretaker relatives with outstanding overpayments (ACL 96-36)
- 154-2 County duty to take all reasonable steps necessary to promptly collect all overpayments (44-350.16)
- 154-3 Caretaker relative not in AU is not responsible person for overpayment collection purposes (44-352.32; ACL 95-55)
- 155-1 No pursuit of nonfraudulent overpayments of less than \$35 when person no longer on aid (44-350.161)
- 155-2 Current demand for repayment rule (44-352.43)
- 155-3 County is not to take ongoing collection action on nonfraudulent overpayments more than \$35 unless cost effective to collect (44-350.161)
- 155-4 The county is not precluded from arriving at a reasonable settlement of its demand for repayment with the recipient or former recipient (44-352.45)
- 155-5 Balancing rule (44-351.3)
- 155-5A Offset regulation remains in effect despite cessation of AFDC (ACIN I-56-98; 44-351.3; *Lopez v. Anderson*)
- 155-5B Revised state law permits balancing of overpayments against underpayments (W&IC 11004(k), revised 1/1/99)
- 155-6 Overpaid recipient need not use Social Security or SSI benefits to repay overpayment (Handbook 44-352.451(c); *Louis v. McMahon*)
- 155-7 Statute of limitations, general; not applicable to state hearings (CCP 338, *Bold v. Bd. of Medical Examiners*; *Saxton v. State Bd. of Education*)
- 155-8 AFDC overpayment discharged in Chapter 13 bankruptcy (*Penn. Department of Public Welfare v. Davenport*)
- 156-1 Limitations on county use of tax-intercept system to collect overpayments (ACIN I-53-89)
- 156-2 Refunds of tax intercepts (ACIN I-53-89; ACL 90-14; *Anderson v. McMahon*)
- 156-2A Administrative review for tax intercepts (20-406.1)
- 156-3 Tax intercepts, when appropriate (20-403.1, .2)
- 156-4 Tax intercepts, refunds to claimants (20-408.1)
- 156-5 Tax intercept instructions for Tax Years 1993-2000 (ACIN I-22-00, I-19-98, I-12-97, I-11-95, I-06-94, I-13-93)
- 158-1 Aid pending is a recoupable overpayment (44-350.4)
- 160-1 Underpayment rule (44-340)
- 160-1A Underpayment calculation based on regulations at time it occurred (44-340.32 effective July 1, 2004)

## ParaReg Headnotes

### 000-199 CalWORKs

- 160-2 Underpayment due to erroneous denial is to be corrected even though applicant failed to perform an act constituting a condition of eligibility (44-340.131)
- 160-3 Underpayments when mandatory AU member discovered in the home (44-315.411-.414, 44-355.16)
- 160-4 Underpayments excluded as income or resource in month paid and following month (44-340.6)
- 160-5 Restoration of excluded individual after meeting immunization or school attendance requirements (ACL 97-70)
- 160-6 County must take action to restore underpayment/underissuance. Restoration based on QR rules. (ACL 03-18)
- 161-2 Under MR/RB, no underpayment when RISP correctly computed based on reasonable estimate of income (44-340.14 prior to QR/PB)
- 161-2A Under QR/PB, mid-quarter supplement is not an underpayment (44-340.14 effective July 1, 2004)
- 161-3 No overpayment/overissuance or underpayment/underissuance when actual income differs from reasonably anticipated income. (ACL 03-18)
- 161-3A Under QR/PB, no underpayment if recipient does not report change during quarter (44-340.33 effective July 1, 2004)
- 162-1 When AU does not have to request exempt status, AU can be exempt when qualifying conditions are met (89-110.26, .27; 44-340.31; ACL 96-28)
- 163-1 Under MR/RB, RISP correctly computed based on reasonable estimate does not result in overpayment (44-350.17 prior to QR/PB)
- 163-2 Under MR/RB, no underpayment when RISP correctly computed based on reasonable estimate of income (44-340.14 prior to QR/PB)
- 163-3A Under MR/RB, general rule as to when RISP can be issued, amount of RISP (44-401.1, .2, 44-402.1 prior to QR/PB)
- 163-3B Under MR/RB, net available income, for budget and payment month, defined (44-402.2 prior to QR/PB)
- 163-5 Under MR/RB, special needs are not to be considered as part of the grant amount for the payment month in determining the net available income for RISP purposes (44-402.211, formerly 44-402.213 prior to QR/PB)
- 163-6 Under MR/RB, no overpayment or underpayment when RISP correctly computed based on reasonable estimate of income (44-402.6 prior to QR/PB)
- 163-7 Under MR/RB, circumstances where county is required to mail the RISP Request Form (CA 40) (40-181.1(b) prior to QR/PB)
- 163-7A Under MR/RB, county is required to explain RISP procedure at annual redetermination (40-181.212 prior to QR/PB)
- 163-8 Under MR/RB, grant amount for RISP net available income purposes does not include grant adjustment (or child support penalty (44-402.212; formerly 44-402.214, 44-402.213 prior to QR/PB)
- 163-9 Under MR/RB, RISP payment can be made, even if less than \$10 (44-402.3, revised 7/1/98 prior to QR/PB)
- 163-10 No Reduced Income Supplemental Payments (RISP) in the QR/PB system. (ACL 03-18)
- 164-1 ALJs have no authority to award interest (AFL-CIO v. UIAB; ACIN I-52-96; *Knight v. McMahon*)
  
- 172-1 Nonrecurring special need for repair and replacement of household items because of unusual circumstances (44-211.3)

## ParaReg Headnotes

### 000-199 CalWORKs

- 173-1 Beginning date of pregnancy special need entitlement for CalWORKs applicants and recipients under MR/RB (44-211.63, .641 prior to QR/PB)
- 173-1A Pregnancy need to be paid to eligible pregnant women effective the month of verification of pregnancy (ACL 00-45; W&IC 11450(c); 44-211.641)
- 173-1B Pregnant teen, under 19, without high school diploma, may receive pregnancy special need payment (44-211.632)
- 173-1C Pregnant teen loses AFDC and pregnancy special need payment if she turns 19, receives high school diploma, and is not in third trimester of pregnancy but becomes eligible again in third trimester (ACL 96-45; 44-209.23, 44-211.632; ACIN I-09-97)
- 173-1D Beginning date of pregnancy special need entitlement for CalWORKs applicants and recipients under QR/PB (44-211.63, .641 effective July 1, 2004)
- 173-2 Amount of pregnancy special need (Handbook 44-211.65)
- 174-1 HA--General eligibility (44-211.51)
- 174-1A HA payments limited to providers who are businesses, commercial establishments, public housing facilities (44-211.526)
- 174-1B Once-in-a-lifetime HA benefits; exceptions (ACL 95-62, 99-69; 44-211.513, 44-211.541; AB 1111; W&IC 11450(f)(2)(E)(iii))
- 174-1C Counties must notify AFDC recipients and HA applicants of once-in-a-lifetime HA rules (ACL 95-62; 44-211.51)
- 174-1D AU receives its OLT HA payment when first permanent housing payment is issued, even if that payment meets an exception to the OLT limit (ACL 96-40)
- 174-1E Homelessness criteria are expanded to include families who receive a notice to pay rent or quit. (ACL 06-25)
- 174-2 HA--Direct payments to providers (44-211.516, .517)
- 174-2A Direct HA payments due to mismanagement (44-211.519)
- 174-3 Temporary shelter--eligibility (44-211.521)
- 174-4 Temporary shelter--maximum time limits and payment (44-211.524; ACL 99-69; W&IC 11450(f)(2) ACL 06-25)
- 174-5 Permanent housing payment--fiscal limitations (44-211.53; ACL 06-25)
- 174-5A permanent homeless assistance available to pay two months rent to prevent eviction (ACL 06-25)
- 174-5B Definitions of total monthly household income, income and eligibility for payment of arrearages (ACL 06-25)
- 174-6 When AU is considered homeless (44-211.511, .512; *Merriman v. McMahon*)
- 174-7A No temporary shelter payment after permanent housing within 24 months except while awaiting approved permanent housing (44-211.522)
- 174-8 RCA applicants/recipients ineligible for CalWORKs (formerly AFDC) HA (44-211.312(a))
- 174-9 County of responsibility in HA cases (44-211.515)
- 174-10 In HA, use MAP in county where applicant resides (44-211.515(a))
- 174-11 AU in suspense month may still receive HA (ACL 97-09; 44-315.8)
- 174-12 Calculation of AU eligibility and amount of security deposit payment (ACL 01-43)
- 175-1 Applicants must be informed of diversion before aid is approved (W&IC 11265(a); 82-215.2)
- 175-2 Applicants must be apparently eligible to receive diversion, but may decline diversion (W&IC 11266.5(b), (d); ACL 97-68; 81-215.31, .33))
- 175-3 Factors to be used in determining whether to offer diversion (W&IC 11266.5(b); 81-215.32))
- 175-4 Recoupment if diversion recipient reapplies during diversion period (W&IC 11266.5(f); ACL 97-68; 81-215.51))

## ParaReg Headnotes

### 000-199 CalWORKs

- 175-5 One month counts towards 60-month maximum aid limit if reapplication occurs after diversion period has run (W&IC 11266.5(f); ACL 97-68; 81-215.52))
- 175-6 Calculation of diversion period (ACL 97-68; 81-215.4)
  
- 180-1 Under Interstate Compact, the sending agency continues to have financial responsibility (Family Code 7901)
- 180-2 If sending agency defaults in its responsibility under the Interstate Compact, the provisions of other state law may be invoked (Family Code 7902)
- 180-3 FC requirements for 18-year-olds (45-201.111)
- 180-4 FC children must meet age, property, residency, citizenship/alienage, social security number, income, child support, and application requirements for AFDC children (45-201.1-.5)
- 180-4A \$10,000 property limit effective 12/14/99 for ongoing eligibility and purposes of determining whether child would have been eligible for AFDC in the petition month (42 USC 672(a); ACL 02-45)
- 180-4B Federal law permits \$10,000 property limit, plus other excluded AFDC property as determined effective 7/16/96, for all FC children, effective 12/14/99 (42 USC 672(a))
- 180-4C \$10,000 property limit, plus \$1,500 for a car, for FC eligibility (W&IC 11155.5(a); see 45-201.12)
- 180-5 FC caretaker relative may receive AFDC-FG benefits (ACL 94-91)
- 180-6 All applicants and recipients of CalWORKs and FC must assign child and spousal support for themselves and for required AU members as a condition of eligibility (82-506.1, 82-820.3)
- 180-6A Applicants and recipients of CalWORKs and FC must assign child and spousal support for themselves and (unlike 82-506.1) for family members for whom aid is requested or received, and receipt of aid assigns support by operation of law (Handbook 12-410)
- 181-1 Court order necessary for eligibility under federal AFDC-FC Program, prior to 1/1/93 (45-202.4)
- 181-1A Voluntary placement can result in 180 days of aid in federal AFDC-FC cases (45-202.412)
- 181-2A New linkage requirement for AFDC-FC (45-202.31)
- 181-2B 45-202.311-.313 invalidated, then reinstated until FFP is authorized (*Land v. Anderson; Anderson v. Sup. Ct*; W&IC 11402.1)
- 181-3 Child must be placed with nonrelative or different relative than one from whom removed for federal AFDC-FC eligibility to exist. Six-month rule (45-202.411(b))
- 181-3A Federal regulations on when child's removal from the home occurs, and when a second placement of the child in the relative's home precludes federal ADFC-FC (45 CFR 1356.21(c), (k))
- 181-3B DHHS approves amendment adding §45-202.332 to state plan. (ACL 03-43)
- 181-3C A child may establish federal foster care eligibility in home of relative where child is placed (Rosales v. Thompson)
- 181-3D Foster care children eligible to foster care payments if AFDC-eligible prior to foster care placement (ACL 04-12)
- 181-3E Foster care must be evaluated and paid retroactive to December 23, 1997 for eligible cases pursuant to *Rosales* (ACL 04-12)
- 181-3F In review of eligibility for retroactive foster care, home in which child is placed must meet licensing/approval standards. Approved homes as of March 3, 2003 are approved retroactively. (ACL 04-12)
- 181-3G Relative placements prior to the one existing on March 3, 2003 are not eligible for foster care (ACL 04-12)

## ParaReg Headnotes

### 000-199 CalWORKs

- 181-3H Child placed with relative after petition is filed is ineligible for federal foster care unless child lived with relative within six months prior to petition month (ACL 04-12)
- 181-3I When foster care clothing allowance and specialized care increment may be paid retroactively under *Rosales* (ACL 04-12)
- 181-3J Counties must base eligibility for foster care on criteria that existed prior to *Rosales* effective October 1, 2005 (ACIN I-19-06)
- 181-3K Impact of Deficit Reduction Act on *Rosales*, new implementation date June 9, 2006 (ACL 06-19)
- 181-4 Federal FC eligibility rules; when dismissal of order results in loss of FFP (45-202.411)
- 181-5 FFP defined (45-101.1(o))
- 181-6 FC eligibility determined using 7/16/96 AFDC standards, exclusive of waivers (ACL 98-01)
- 181-7 Approved home of relative is eligible facility for federal foster care (45-202.51)
- 181-8 For federal foster care, contrary to the welfare finding must be made in first court order (ACIN I-27-06)
- 181-8A County must verify that court finding of “placement and care” is vested with proper listed agency (ACIN I-27-06)
- 181-8B County must verify court made proper “reasonable efforts to prevent or eliminate need for removal” finding (ACIN I-27-06)
- 182-1 Child must be placed with nonrelative for eligibility under state AFDC-FC Program (45-203.2; ACL 92-08; *Timmons v. McMahon*)
- 182-1A State FC child can't be living in the same home as birth or adoptive parents (45-203.211)
- 182-2 Former stepparents not relatives in state AFDC-FC Program until 9/1/99 (*Norman v. McMahon*; Handbook 45-101(r)(1)(A)3.(a); ACL 99-58; W&IC 11400(m))
- 182-3 FC eligibility determined using 7/16/96 AFDC standards, exclusive of waivers (ACL 98-01)
- 182-4 For state foster care contrary to welfare finding must be made, but need not be in first court order (ACIN I-27-06)
- 182-4A County must verify that court finding of “placement and care” is vested with proper listed agency (ACIN I-27-06)
- 182-4B County must verify court made proper “reasonable efforts to prevent or eliminate need for removal” finding (ACIN I-27-06)
- 183-1 Beginning date of aid (transfer from AFDC-FG to AFDC-FC) (44-317.622, .623)
- 183-2 Beginning date of aid; AFDC-FC (45-302.31)
- 183-3 Last day of payment for AFDC-FC (45-302.51)
- 183-4 AFDC-FC, current budgeting used (45-302.4)
- 183-4A AFDC-FC, current budgeting used; payment must be made by 15<sup>th</sup> of the month (ACIN I-32-05)
- 183-5 Supplementation of SSI/SSP with state AFDC-FC (45-302.11; ACL 94-82)
- 183-6A SSI/SSP payments can be made to federal FC children as of February 4, 1994, and are not income to those children (ACL 94-82)
- 183-7 "Excess payments" from child/spousal support are income in CalWORKs, and "pass-on payments" are income in FC (82-520.5, revised 10/1/98, replaced by 82-518.14, 4/1/00)
- 184-1 Definitions of specialized care, specialized care increments, and specialized care rates (ACIN I-113-00)
- 184-2 Counties must submit a specialized care program proposal to CDSS for approval (ACIN I-113-00)
- 185-1 Collection of AFDC-FC overpayments (ACIN I-20-90)
- 185-1A Writ of mandate enjoining recoupment of AFDC-FC overpayments (*Bass v. Anderson*)
- 185-1B Old rule: CDSS policy on collecting FC overpayments, and definition of fraud for purposes of collecting these overpayments (ACL 97-55; *Bass v. Anderson*; W&IC 11466.24)

## ParaReg Headnotes

### 000-199 CalWORKs

- 185-2 Overpayment determination and collection under state statute (W&IC 11004)
- 185-3 State law provides that FC overpayments are limited to those made to foster family homes, approved homes of relatives, or approved homes of nonrelated legal guardians when FC child was not cared for in the home; limitations on collecting the overpayment (W&IC 11466.24)
- 185-3A Under state regulations, APP FC overpayments are collectible (45-304.122)
- 185-3B No collection of PA funds unless there is statutory authority for such collection (*Ogdon v. Workmen's Comp. Appeals Bd.*; *Webb v. Swoap*)
- 185-3C State law limits collection of FC overpayments; state regulations limit only "demand" of collection (W&IC 11466.24(a); 45-304.121)
- 185-3D State law requires documentation of costs of collecting overpayment and likelihood of collection, while state regulations do not (W&IC 11466.24(a)(1); 45-304.121(e)(1))
- 185-4 State regulations limit collection of FC overpayments; process of establishing amount and collectability of overpayment (45-304.2)
- 185-4A State law prohibits overpayment recovery from FC provider when child cared for in home, while state regulations do not (W&IC 11466.24(a); 45-304.2)
- 185-5 FC overpayments collected only from the provider; if child for whom overpayment assessed is not in the home, no grant offset or adjustment is permitted (45-304.3)
- 185-6 State law sets forth one year statute of limitations from county determination of FC overpayment (W&IC 11466.24(f))
- 185-6A DSS policy is to allow collection of FC overpayments even if initial determination of overpayment is more than one year after overpayment (Handbook 45-304.421; W&IC 11466.24(f))
- 185-7 Methods of collecting FC overpayments (44-305.1, .2; W&IC 11466.24(e))
- 185-8 State law requires repayment of wrongly collected FC overpayments, plus simple interest (W&IC 11466.24(d))
- 186-1 AFDC-FC rates for children in licensed or approved family homes based on statutory provisions (W&IC 11461)
- 186-2 Responsible county pays host county rate except when responsible county has specialized care rate and host county does not (11-401.4)
- 186-3 County where placing agency for FC child is located in county of responsibility (40-125.81)
- 186-4 When court in county 2 accepts responsibility for FC child, county 1 initiates ICT to county 2 (40-125.84)
- 186-5 In FC intercounty transfer, first county remains responsible for payment of aid (40-190.32, formerly 40-187.221)
- 186-6 Definitions of "basic rate", "specialized care increment", and "specialized care rate"; requirement to identify these for family homes (11-400b.(3), 11-400s.(6)-(7), 11-401.211)
- 186-7 Residential facility rates used for foster care children who are regional center clients (W&IC 11464)
- 186-7A Cost of providing care and supervision in licensed community care facilities funded by foster care for dual agency clients (W&IC 4684)
- 186-8 Funding responsibility for dual agency children (ACL 98-28)
- 186-8A Payments for foster care children and adoptive children who receive SSI/SSP (ACL 03-60)
- 186-8B WIC 11464 applies to foster care children placed in facility having a "vendorized" or contractual relationship with regional center (ACL 98-28)
- 186-9 Pay rate for child placed with FFA certified relative/non-relative extended family member (ACL 04-28)



## ParaReg Headnotes

### 000-199 CalWORKs

196-3 Statutory elimination of LSI and POIs effective 1/1/98 (ACL 97-59; W&IC 11157.5; 42-207.31)